The City Council of the City of Raleigh met in regular session on Tuesday, December 4, 1984, at 1:00 p.m. in the City Council Chamber, 222 West Hargett Street with the following present:

Mayor Upchurch, Presiding
Ms. Babb
Ms. Block
Mr. Calloway
Ms. Cates
Mr. Congleton
Mr. Keller
Mr. Walters

Mayor Upchurch called the meeting to order and invocation was rendered by Father Jim Keenan of St. Joseph's Catholic Church, after which the following matters were discussed with action taken as shown.

RECOGNITION OF SPECIAL AWARDS

PROCLAMATION - BILL OF RIGHTS DAY - PROCLAIMED

Mayor Upchurch read a proclamation proclaiming December 15, 1984, as Bill of Rights Day in the City of Raleigh. The proclamation was received by Stater Newman who explained the significance of the December 15 day and expressed appreciation to the Mayor and Council for proclaiming Bill of Rights Day in the City.

PERSONNEL - CITY EMPLOYEES - RECOGNIZED

City Manager Benton recognized Bob Hoadley who has been elected Secretary/Treasurer of the International Data Processing Association. Mr. Benton introduced Dale Crisp, the new Assistant Public Utilities Director for the City of Raleigh. Also introduced was Steve Harrell who has recently joined the Greater Raleigh Chamber of Commerce.

OPERATION RALEIGH - LORD MAYOR OF KINGSTON UPON HULL - RECOGNIZED

Mayor Upchurch indicated last evening and earlier today, he had been visiting with representatives from England in connection with "Operation Raleigh." He indicated the City of Kingston Upon Hull in England had given the money for the vessel utilized in Operation Raleigh and the Lord Mayor of that City has been visiting in Raleigh. Mayor Upchurch turned the Mayor's chair over to the Lord Mayor of Kingston Upon Hull who explained the operation of their City, the part they played in Operation Raleigh and the purpose of his visit to North Carolina and Raleigh.

CONSENT AGENDA

CONSENT AGENDA - APPROVED AS AMENDED

Mayor Upchurch presented the Consent Agenda indicating all items are considered to be routine and may be enacted by one motion. If a Councillor requests discussion on an item, the item will be removed from the Consent Agenda and considered separately. He explained the vote on the Consent Agenda would be a roll call vote. Mr. Calloway requested that the item relating to home improvement loan funding - Community Development Department be withdrawn. Ms. Cates requested that the item relating to sponsorship of Brookhaven Park be withdrawn. City Manager Benton requested that the residential parking - Bedford Avenue be withdrawn. Without objection, these items were withdrawn from the Consent Agenda. Mr. Calloway moved that Administration's recommendation on the remaining items on the Consent Agenda be upheld. His motion was seconded by Ms. Cates and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. The items on the Consent Agenda were as follows:

RENTAL REHABILITATION PROGRAM - SUBMISSION FOR REQUEST FOR FUNDING - APPROVED

The City's application for $137,500 from HUD has been approved and will be used to assist in the rehabilitation of rental housing. The Federal Government's time schedule requires that request for subsequent year funding be submitted now. The request for 1985-86 should be $135,000 and would follow the same program structures as approved by Council. A copy of the program structure was included in Council Members' Agenda packet.

Recommendation: That Council approve the rental rehabilitation program description and the submittal of the request for funding. Consent Agenda approval: Calloway/Cates - 8 ayes.

DOWNTOWN PARKING STUDY - CONTRACT WITH KIMLEY-HORN AND ASSOCIATES APPROVED - FUNDS APPROPRIATED

The City Council has previously approved retention of Kimley-Horn and Associates to conduct a Downtown Parking Study subject to the agreement being negotiated by Administration. An agreement has been reached to perform the study for a fee of $33,000 with a time schedule of five months.

Recommendation: That the Downtown Parking Study contract with Kimley-Horn and Associates be approved and that the following transfer of funds be approved:

From:
34-2-1000-0100 Council Reserve $33,000

To:
34-2-3925-0102 Downtown Parking Study $33,000

Consent Agenda approval: Calloway/Cates - 8 ayes. See Ordinance 446 TF 10.

LONGVIEW POOL - CP&L EASEMENT - APPROVED

CP&L needs an easement at the Longview Pool site to bring electric service to the pool facility. A copy of the easement was included in Council Members' Agenda packet.

Recommendation: That the easement to CP&L be granted. Consent Agenda approval: Calloway/Cates - 8 ayes.

STREET CLOSING - CROSSINGS WAY - RESOLUTION OF INTENT ADOPTED

A petition has been received to close approximately 480 feet of unimproved right-of-way at the western end of Crossings Way. A map was in the Council Members' Agenda packet. This request is due to a revision in the subdivision in this area which was approved by Council on November 20, 1984.

Recommendation: That Council adopt a resolution of intent to close the right-of-way and set a date for a public hearing to be January 15, 1985. Consent Agenda approval: Calloway/Cates - 8 ayes.

RESOLUTION NO. (1984) 664

A RESOLUTION OF INTENT TO CONSIDER CLOSING A PORTION OF CROSSINGS WAY RIGHT-OF-WAY AS DESCRIBED HEREIN AND DIRECTING NOTICE OF PUBLIC HEARING

WHEREAS, the City Council of the City of Raleigh, North Carolina, pursuant to North Carolina General Statute 160A-229, intends to close permanently the following street right-of-way:

Approximately 480 feet of the westerly end of Crossings Way right-of-way as recorded in Map Book 1983, Page 1470

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA:

Section 1. That the section of the street referred to above is intended to be closed permanently.

Section 2. That a public hearing will be held on Tuesday, January 15, 1985, in the Council Chamber, Room 201, Municipal Building, Raleigh, North Carolina, at 1:00 p.m., or as soon thereafter as the matter can be reached.

Section 3. That a copy of this resolution be mailed by certified mail to all owners of lots abutting on the above named street.

Section 4. That a copy of this resolution be published in a daily newspaper in the City of Raleigh once a week for four consecutive weeks.

Adopted: 12/4/84

STREET CLOSING - LAKE WOODARD DRIVE - CITY TO SIGN PETITION

The Council has previously acted to close a portion of Lake Woodard Drive. Since this road is on the State System, it is necessary that the City officially petition the N.C. Department of Transportation to abandon maintenance of this right-of-way.

Recommendation: That the Council request the N.C. Department of Transportation to abandon maintenance of the closed portion of Lake Woodard Drive right-of-way and that the City sign the abandonment petition since it owns a part of the adjoining property. Consent Agenda approval: Calloway/Cates - 8 ayes.

CITY ORGANIZATION - AMENDMENT TO CITY CODE - ADOPTED

Section 1-3001 of the City Code identifies the offices and departments of the City. Because of changes made during the past year, all of which have been approved by Council, it is necessary to officially amend this section of the Code. In addition, it is desired to alter the title of one department from "Research and Information" to "Public Affairs" to more accurately describe the function of this office in the current corporate terminology being used to describe what is normally expected of this office. A copy of the existing and proposed revisions was included in Council Members' Agenda packet.

Recommendation: That the City Code be amended as proposed. Consent Agenda approval: Calloway/Cates - 8 ayes.

ORDINANCE NO. (1984) - 445

AN ORDINANCE AMENDING THE CITY CODE TO REFLECT DEPARTMENTAL REORGANIZATIONS AND TO RENAME THE DEPARTMENT OF RESEARCH AND PUBLIC INFORMATION.

WHEREAS, §§1-3002 and 1-3002 of the Raleigh City Code respectively identify and depict in chart form the various offices and departments of city government; and

WHEREAS, pursuant to G. S. 160A-146 and the Charter of the City of Raleigh the City Council has, during the past year, made a number of changes in the departmental organization of the City; and

WHEREAS, upon recommendation of the City Manager, it has been determined that the name of the "Department of Research and Public Information" should be changed to the "Department of Public Affairs" to more accurately described in current corporation terminology the expected functions of this office; and

WHEREAS, conforming code amendments are needed to effectuate these changes.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA that:

Section 1. §§1-3001 and 1-3002, respectively, of the Raleigh City Code are hereby repealed, re-written and re-enacted to read as follows:

"Sec. 1-3001. CREATION OF OFFICES AND DEPARTMENTS; ENUMERATION

The following offices and departments of the city are hereby created:

(1) City Manager.

(2) City Attorney.

(3) City Clerk.

(4) Assistant City Manager for Budgeting and Administration.

(5) Assistant City Manager for Operations.

(6) Assistant City Manager for Planning and Development.

(7) Central Engineering.

(8) Civic Center.

(9) Community Development.

(10) Finance.

(11) Fire.

(12) Human Resources.

(13) Inspections.

(14) Parks and Recreation.

(15) Personnel

(16) Planning.

(17) Police.

(18) Public Affairs.

(19) Public Utilities.

(20) Public Works.

(21) Transportation.

"Sec. 1-3002. City organizational structure.

The official organizational structure of the city shall be shown on Exhibit A, entitled Organization, City of Raleigh, which is hereby incorporated herein.

(See Exhibit A)

Section 2. All ordinances or portions of ordinances in conflict with this ordinance are hereby repealed.

Adopted: 12/4/84

MUNICIPAL RECORDS RETENTION AND DISPOSITION SCHEDULE - ADOPTED

The Division of Archives and History has developed a new Municipal Records Retention and Disposition Schedule, with the assistance of a number of responsible municipal officials from across the State, including Associate City Attorney Rasberry. The schedule was made available in June 1984 and renders obsolete its predecessor publications which we have used.

Adoption of this schedule by Council precludes having to carry to Council each records' disposition otherwise desired and, because the schedule only stipulates recommended retention and disposition schedules, it seems appropriate that Council adopt this schedule.

Recommendation: That the new Records Retention and Disposition Schedule be approved and the Mayor and City Manager be authorized to execute the appropriate agreement with the State. Consent Agenda approval: Calloway/Cates - 8 ayes.

TAXICAB OWNER'S PERMITS - APPROVED ON SECOND AND FINAL READING

During the November 20, 1984, Council Meeting, the following application for taxicab owner's permits were approved on first consideration:

a. Renewal of Individual Owner's Permit - Ebony Cab Company

(1) Lynwood Ray
(2) Willie Herbert Stokes
(3) Alfonzo Meeks
(4) Calvin Lucas

Recommendation: That the taxicab owner's permits be approved on the second and final reading. Consent Agenda approval: Calloway/ Cates - 8 ayes.

TAXICAB OWNER'S PERMITS - APPROVED ON FIRST CONSIDERATION - TO BE PLACED ON DECEMBER 18, 1984, AGENDA

Applications have been received from the following to operate a taxi. The applications have been checked and meet the requirements of Section 12-2053 of the City Code. Approval is recommended. If approved, these applications will be placed on the December 18, 1984, Agenda for second and final consideration.

Woody Tabbs, Woody Tabbs VIP Limousine Service (New Limousine Franchise)

John Junior Ruffin, Rainbow Cab Company (Franchise Renewal)

Stephen N. Ngari, Safeway Cab Company (New Individual Owner's Permit)

Robert L. Stringfellow, City Cab Company (New Individual Owner's Permit)

Consent Agenda approval: Calloway/Cates - 8 ayes.

CIVIC CENTER - RENT-FREE USE - INFORMATION RECEIVED

Approval has been granted for rent-free use of Meeting Room A at the Civic Center on December 14, 1984, in order to conduct the Management Education Seminar.

The item was received without comment.

MARKET PLAZA REVITALIZATION AND IMPROVEMENT PROJECT - CHANGE ORDER 5 - MANAGER'S ACTIONS CONCURRED WITH

Change Order No. 5 is an increase of $718.75. The change order is needed for permanent repair of waterproofing at subterranean levels of Wachovia Bank and Trust Company along Market Plaza facade for a total of 250 square feet. Treatment to remedy leak in existing membrane. It was pointed out this change order was previously received as information on September 4, 1984, and a budget amendment was approved at that time. Firm amounts had to be provided prior to the City Manager signing the change order contract. Wachovia Bank and Trust has agreed to reimburse the City the total amount of this change order; therefore, the City Manager has administratively approved the contract. Concurrence with the Manager's action is recommended. Consent Agenda approval: Calloway/Cates - 8 ayes.

P.W. 1983-7 - SPRING FOREST ROAD BRIDGE/ATLANTIC AVENUE BRIDGE - CHANGE ORDER 1 APPROVED - FUNDS APPROPRIATED

Change Order 1 with C. C. Mangum, Inc., is an increase of $32,729.06. The change order is needed to provide funds for additional soil erosion measures required by the State and increase cost of materials between the time of receiving bids and actual

awarding of the contract because of the delays in the railroad approval of this project. Administration recommends approval of the change order and a transfer as outlined on the Agenda to cover the change order. Consent Agenda approval: Calloway/Cates - 8 ayes. See Ordinance 446 TF 10.

TRANSFERS - ADMINISTRATIVE - MANAGER'S ACTIONS CONCURRED WITH

Council Members received in their Agenda packet a list of administrative transfers which have been approved according to Council action. Concurrence with the Manager's action is recommended. Consent Agenda approval: Calloway/Cates - 8 ayes. The transfers were as follows:

From: 01-2-1230-0281 To: 01-2-1230-0730 $450.00

TRANSFERS WITHIN VARIOUS ACCOUNTS - ORDINANCE ADOPTED

The Agenda listed recommended transfers in the Communications, Engineering, Finance and Inspections Department with recommendation of approval. Mr. Calloway moved Administration's recommendations on the transfers be upheld. His motion was seconded by Ms. Cates and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

ORDINANCE NO. (1984) 446 TF 10

WHEREAS, it appears desirable and for the best interest of the City of Raleigh and its citizens that funds in the amounts hereinafter set forth heretofore appropriated as set forth in the appropriations ordinance adopted June 19, 1984, and included in the budget for the fiscal year ending June 30, 1985, be transferred from one account as permitted and authorized by the General Statutes of North Carolina, NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the amounts hereinafter set forth be and are hereby transferred for the purpose shown:

CODE ACCOUNT	OBJECT CLASSIFICATION	AMOUNT
From 43-2-3060-0100	Loans & Grants	$ 4,500.00
To 43-2-3060-0120	NCHFA/HILP Prog.	4,500.00
Purpose: Providing commitment fee to North Carolina Housing Finance Agency for City participation in their Home Improvement Loan Program.		
From 43-2-3060-0100	Loans & Grants	$50,000.00
To 43-2-3060-0121	NCHFA/HILP Program	50,000.00
Purpose: Providing City's portion of loan supplements for Home Improvement Loan Program in Community Development areas.		
From 34-2-1000-0100	Council Reserve	$33,000.00
To 34-2-3925-0102	Downtown Parking Study	33,000.00
Purpose: Provide funds for Downtown Parking Study.		
From 32-2-3100-0100	Spring Forest Road	$32,729.06
To 32-2-3012-0101	Spring Forest Rd. & Atlantic Avenue Bridges	32,729.06
Purpose: To provide funds for additional soil erosion measures required by state and increase cost of materials between the time of receiving bids and actual awarding of the contract due to delays in railroad approval of project.		
From 01-2-1170-0602	Recording System	$ 1,600.00
To 01-2-1170-0225	Repairs to Center	1,600.00
Purpose: Funds to exchange transceiver site locations to better meet the needs of the smaller police departments within the County.		
From 34-2-1000-0100	Council Reserve	$21,702.00
To 34-2-2300-0101	PW1984-6 - Kings Mill Vill.	21,702.00
Purpose: To install storm drainage in Kings Mill Village.		
From 01-2-1040-0001	Council Contingency	$ 1,700.00
To 01-2-3020-0235	Rental Maintenance	1,700.00
Purpose: Repairs involved in replacing heating system and related damages for 615 West Peace Street.		
From 01-2-1240-0261	Abatement	$ 1,100.00
From 01-2-1240-0254	Unsafe Structures	1,000.00
To 01-2-1240-0701	Office Equipment	2,100.00
Purpose: To provide additional furniture in Inspections Office.		
From 01-2-1040-0001	General Fund Contingency	$ 9,340.00
To 01-2-1130-0221	Printing	9,340.00
Purpose: Providing funding for reprinting of the "Raleigh Is" brochure.		

From	80-2-1000-0000	Res. for Council	$ 6,030.00
To	80-2-1443-0101	Charles River Water	6,030.00

Purpose: Final payment on the Poole and New Hope Roads water main project.

From	01-2-1040-0001	Contingency	$61,243.00
To	01-2-1240-0100	Salaries	26,593.00
To	01-2-1240-0707	Auto	25,500.00
To	01-2-1240-0703	Field Equipment	900.00
To	01-2-1240-0706	Radio	2,250.00
To	01-2-1240-0701	Office Furniture	6,000.00

Purpose: Additional positions - Inspections Department.

Adopted: 12/4/84

BID REQUEST 84-30 - AUTOMOBILES - JOINT AWARD TO HELMOLD FORD, INC., AND SIR WALTER CHEVROLET

Pursuant to advertisement as required by law, bids were received and publicly opened in the office of the Purchasing Agent on November 8, 1984, for automobiles with results as follows:

ITEM 1 - 4-Door Police Blue and White

Helmold Ford, Inc.	$11,189.30
Charlie Wiygul Ford	11,271.29
Sir Walter Chevrolet	11,360.59
Bobby Murray Chevrolet	11,499.78

RECOMMENDED: Helmold Ford, Inc.

ITEM 2 - 4-Door Police-Intermediate-Standard Color

Sir Walter Chevrolet	$ 9,564.56
Bobby Murray Chevrolet	9,644.74
Helmold Ford, Inc.	9,822.35
Charlie Wiygul Ford	10,461.39

RECOMMENDED: Sir Walter Chevrolet

ITEM 3 - 4-Door Sub-compact

Sir Walter Chevrolet	$ 5,999.84
Bobby Murray Chevrolet	6,129.99
Helmold Ford	6,494.23
Charlie Wiygul Ford	6,810.62

RECOMMENDED: Sir Walter Chevrolet

ITEM 4 - 4-Door Compact

Bobby Murray Chevrolet	$ 7,099.96
Sir Walter Chevrolet	7,101.58
O'Neal Motors	7,539.65

RECOMMENDED: To be rejected (See Item 5)

ITEM 5 - 4-Door Compact

Sir Walter Chevrolet	$ 6,748.43
Bobby Murray Chevrolet	6,789.96
O'Neal Motors	7,616.00
Charlie Wiygul Ford	8,514.61
Helmold Ford	9,841.48

Administration recommends the low bid as outlined. Consent Agenda approval: Calloway/Cates - 8 ayes.

BID REQUEST 84-31 - TRUCKS - JOINT AWARD TO NORTH STATE FORD TRUCKS, HELMOLD FORD, BOBBY MURRAY CHEVROLET AND CARDINAL INTERNATIONAL

Pursuant to advertisement as required by law, bids were received and publicly opened in the office of the Purchasing Agent on November 8, 1984, for various trucks with results as follows:

ITEM 1 - Pick-up Compact

North State Ford Truck	$ 6,720.59
Sir Walter Chevrolet Co.	6,952.00
Bobby Murray Chevrolet	6,955.41
Helmold Ford	7,169.29
Charlie Wiygul Ford	7,546.12

RECOMMENDED: North State Ford Trucks

ITEM 2 - Pick-up Compact - Four Wheel Drive

North State Ford Truck	$ 8,392.09
Sir Walter Chevrolet	8,609.00
Bobby Murray Chevrolet	8,745.41
Helmold Ford, Inc.	8,811.69
Charlie Wiygul Ford	9,588.12

RECOMMENDED: North State Ford Trucks

ITEM 3 - Pick-up, 3/4 Ton Cab & Chassis 131" Wheelbase

Helmold Ford, Inc.	$ 9,045.52
Bobby Murray Chevrolet	9,251.25
North State Ford Truck	9,374.48
Sir Walter Chevrolet	9,701.00

RECOMMENDED: Helmold Ford, Inc.

ITEM 4 - Pick-up 1 Ton Crew Cab & Chassis

Bobby Murray Chevrolet	$10,619.98
Sir Walter Chevrolet	11,110.00

RECOMMENDED: Bobby Murray Chevrolet

ITEM 5 - Pick-up 1 Ton Cab & Chassis

Bobby Murray Chevrolet	$ 9,679.05
Sir Walter Chevrolet	10,074.00

RECOMMENDED: Bobby Murray Chevrolet

ITEM 6 - Cab & Chassis, 20,000 GVW; 60" C.A.

North State Ford Truck	$14,506.00
Bobby Murray Chevrolet	15,069.75
Sir Walter Chevrolet	15,263.00
Helmold Ford	15,866.75

RECOMMENDED: North State Ford Truck

ITEM 7 - Cab & Chassis, 20,000 GVW; 120" C.A.

North State Ford Truck	$14,628.25
Bobby Murray Chevrolet	15,231.75
Sir Walter Chevrolet	15,428.00
Helmold Ford	16,029.75

RECOMMENDED: North State Ford Truck

ITEM 8 - Cab & Chassis, Crew Cab; 2000 GVW

Cardinal International	$20,032.09
North State Ford Truck	20,767.50
Bobby Murray Chevrolet	20,918.18

RECOMMENDED: Cardinal International

Administration recommends the low bid on each item as outlined above. Consent Agenda approval: Calloway/Cates - 8 ayes.

BID REQUEST 84-32 - LIQUID CHLORINE - BID AWARDED TO JONES CHEMICAL

Pursuant to advertisement as required by law, bids were received and publicly opened as a result of the cooperative purchasing agreement between the Town of Cary, Cities of Durham and Raleigh for liquid chlorine for an annual price agreement between January 1, 1985, through December 31, 1985, with results as follows: Jones Chemical, Inc. - $740,595; McKesson Chemical Co. - $852,290; Suffolk Chemical Co. - $852,290. Administration recommends the low bid submitted by Jones Chemical, Inc. Consent Agenda approval: Calloway/Cates - 8 ayes.

BID REQUEST 84-33 - LIQUID CAUSTIC - BID AWARDED TO HOLTRACHEM, INC.

Pursuant to advertisement as required by law, bids were received and publicly opened in the office of the Purchasing Agent on November 13 as it relates to a semi-annual price agreement January 1, 1985, through June 30, 1985, for liquid caustic. It was pointed out this bid tabulation is the result of the cooperative purchasing agreement between the Town of Cary, City of Durham and City of Raleigh. The results of the bids were as follows: Holtrachem, Inc. - $210,335; Burris Chemical, Inc. - $228,625; Southchem, Inc. - $236,000; Jones Chemical, Inc. - $264,910; Suffolk Chemical Co. - $266,576.75; McKesson Chemical Co. - $280,250; LCT Chemicals & Plastics, Inc. - $295,000. Administration recommends the low bid submitted by Holtrachem, Inc., be awarded. Consent Agenda approval: Calloway/Cates - 8 ayes.

BID REQUEST 84-34 - HYDROFLUOSILICIC ACID - BID AWARDED TO JONES CHEMICAL

Pursuant to advertisement as required by law and in accordance with the cooperative purchasing agreement between the Town of Cary, City of Durham and City of Raleigh, bids were received and publicly opened in the office of the Purchasing Agent for

Hydrofluosilicic Acid. Annual price agreement for January 1, 1985, through December 31, 1985. The results of the bids were as follows: Jones Chemical, Inc. - $14,535; Suffolk Chemical Co. - $14,535; Chemteck Industries, Inc. - $15,200; Southchem, Inc. - $17,423; McKesson Chemical Co. - $22,420; ENCEE Chemical Sales, Inc. - $23,712. It was pointed out in the event of tie bid, the award is to be made to the previous supplier, Jones Chemical. Jones Chemical had the contract for 1984, therefore, Administration recommends the bid submitted by Jones Chemical, Inc., be awarded. Consent Agenda approval: Calloway/Cates - 8 ayes.

BID REQUEST 84-35 - LIQUID ALUMINUM SULFATE - BID AWARDED TO ALLIED CHEMICAL CORPORATION

Pursuant to advertisement as required by law and in accordance with cooperative purchasing agreement between the Town of Cary, City of Durham and City of Raleigh, bids were received and publicly opened in the office of the Purchasing Agent on November 13, 1984, for an annual price agreement for January 1, 1985, through December 31, 1985, for liquid aluminum sulfate with results as follows: Allied Chemical Corporation - $330,977; American Cyanamid Co. - $342,200; Tennessee Chemical Co. - $407,160; Suffolk Chemical Co. - $536,239. Administration recommends the low bid submitted by Allied Chemical Corporation be awarded. Consent Agenda approval: Calloway/Cates - 8 ayes.

BID REQUEST 84-39 - PRINTING "AT YOUR SERVICE" - BID AWARDED TO BEDFORD PRINTING COMPANY

Pursuant to advertisement as required by law, bids were received and publicly opened in the office of the Purchasing Agent on November 26, 1984, for printing "At Your Service" with results as follows: Bedford Printing Co. - $11,094.60; Theo Davis Sons, Inc. - $11,160.00; Glover Printing Co. - $12,420.00; Edwards and Broughton Co. - $12,792.00; Joseph C. Woodard Printing Co. - $22,736.76. Administration recommends the low bid submitted by Bedford Printing Company be awarded. Consent Agenda approval: Calloway/Cates - 8 ayes.

BID REQUEST 84-41 - SALT FOR SNOW REMOVAL - BID AWARDED TO INTERNATIONAL SALT COMPANY

Pursuant to advertisement as required by law, bids were received and publicly opened in the office of the Purchasing Agent of the City of Durham on October 30, 1984, as a result of the cooperative purchasing agreement between the City of Durham and the City of Raleigh for salt for snow removal with results as follows: International Salt Co. - $36,000; Cargil, Inc. - $36,200; Morton Salt Co. - $39,240. Administration recommends the low bid submitted by International Salt Company be awarded. consent Agenda approval: Calloway/Cates - 8 ayes.

TRAFFIC - VARIOUS CHANGES - APPROVED

The Consent Agenda presented recommended traffic changes relating to stop and yield signs and traffic signals with recommendation of approval. Consent Agenda approval: Calloway/Cates - 8 ayes.

ORDINANCE NO. (1984) 447

AN ORDINANCE TO AMEND THE TRAFFIC SCHEDULE OF THE CITY OF RALEIGH

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the Traffic Schedule be amended by adding the following to Schedule 1A (TRAFFIC & PEDESTRIAN SIGNALS):

Glen Eden Drive at Ridge Road

Section 2. That Schedule No. 2 entitled "STOP INTERSECTIONS" be amended by adding the following:

Summerdale Drive at Lake Woodard Drive

Section 3. That Schedule No. 3 entitled "YIELD INTERSECTIONS" be amended by adding the following:

Bastion Lane at Woodard Drive

Section 4. That Schedule 6B1 entitled "CHANNELIZATION" be amended by adding the following:

Glen Eden Drive, both approaches, at Ridge Road
Ridge Road, both approaches, at Glen Eden Drive

Section 5. That Schedule No. 13 entitled "NO PARKING ZONES" be amended by adding the following:

Glen Eden Drive, north side, beginning at Ridge Road eastward 250 feet
Glen Eden Drive, south side, beginning at Ridge Road westward 250 feet
Ridge Road, east side, beginning at Glen Eden Drive southward 150 feet
Ridge Road, west side, beginning at Glen Eden Drive northward 250 feet

Delete the following from Schedule 13:

Ridge Road, both sides beginning at a point 160 feet south of Glen Eden Drive to a point 175 feet north of Glen Eden Drive

Section 6. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 7. That this ordinance shall become effective December 11, 1984.

Adopted: 12/4/84

END OF CONSENT AGENDA

COMMUNITY DEVELOPMENT - HOME IMPROVEMENT LOAN FUNDING - APPLICATION APPROVED - FUNDS APPROPRIATED

The City has the opportunity to submit an application to the N.C. Housing Finance Agency for funds to provide below market rehabilitation loans to homeowners. It is proposed that the City submit an application for $150,000 which, if received, would be used in conjunction with existing Community Development rehabilitation funds for home improvement loans.

A copy of the program and how it is proposed to be applied was included in Council Members' Agenda packet. A commitment fee of $4,500 is required to reserve the funds. In addition, it is desired to modify the City's Community Development application to allow loans under this program in an area outside the designated Community Development areas. To supplement the loans from the program in the Community Development areas, a $50,000 transfer from the budgeted funds for loans and grants would be necessary.

Recommendation: That the City Council approve the application to the North Carolina Housing Finance Agency for $150,000; approve the program concept as submitted; authorize entering into an origination agreement with NCHFA and Raleigh Federal Savings and Loan; authorize modifying the Community Development grant application to remove the absolute restriction to Community Development areas for these funds; approve the following transfer of funds:

From:		
43-2-3060-0100	Loans & Grants - C.D.	$54,500
To:		
43-2-3060-0120	NCHFA/HILP Program	$ 4,500
43-2-3060-0121	NCHFA/HILP Program	50,000
		$54,500

Mr. Calloway indicated he removed this from the Consent Agenda questioning the second paragraph in which it indicates "It is desired to modify." He questioned if that word should be "required" with Community Development Director Prosser pointing out required is correct. Mr. Calloway moved Administration's recommendation be upheld. His motion was seconded by Mr. Walters and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Ordinance 446 TF 10.

BROOKHAVEN PARK - SPONSORSHIP - SPONSORSHIP PROGRAM REFERRED TO LAW AND FINANCE COMMITTEE

At a previous Council Meeting, the City accepted a donation of funds from the Junior Woman's Club of Raleigh for use at Brookhaven Park and with the stipulation that the park be named Brookhaven Junior Woman's Club of Raleigh Park.

The Parks and Recreation Advisory Board has recommended this request.

Recommendation: That the Council officially name this park as requested.

Ms. Cates indicated she pulled this item from the Consent Agenda explaining the Master Plan Committee recommended that this park be named Brookhaven Park and she believes that it should be named Brookhaven Park and have a sign indicating that it is sponsored by the Junior Woman's Club. Ms. Cates moved that Brookhaven Park be named "Brookhaven Park" and on the same sign there be an indication "Sponsored by the Junior Woman's Club." Her motion was seconded by Mr. Walters. Ms. Babb indicated she had talked to people on both sides of this issue. She stated she would like to better understand what has happened already, what has been agreed to as well as our past practice on naming parks for sponsors. She stated maybe we should review the policy so that she can better understand it, therefore, she would make a substitute motion that this item be referred to Law and Finance Committee and along with naming of Brookhaven Park, let the Law and Finance Committee look at the big issue and the policy involved in naming parks. Her substitute motion was seconded by Mr. Congleton. Mr. Walters pointed out the other parks that have the name of a civic

club attached to them also had the recommendation of the Master Plan Committee that it be named that. Ms. Cates briefly explained the criteria for naming parks in honor of civic clubs, after which the substitute motion was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

TRAFFIC - CONTROL RESIDENTIAL PARKING ON BEDFORD AVENUE - REFERRED TO LAW AND FINANCE COMMITTEE

The Department of Transportation recommends that Controlled Residential Permit Parking Area "A" be established on Bedford Avenue, both sides, between Brooks Avenue and Dixie Trail.

A petition has been received from the residents in this area which meets all the requirements under the City Code for the establishment of this type of zone. Residents cited severe congestion and driveway blockage as their primary reasons for this request.

City Manager Benton indicated this item was put on the Council Agenda as a result of a petition from the area. He stated, however, after the Agenda was put together, the Department of Transportation received an inquiry from the Fred Olds School as it relates to their staff parking. He suggested that maybe this item be referred to Committee to continue discussions on the item. Without objection, the item was referred to Law and Finance Committee.

SPECIAL ITEM

REZONING Z-111-84 - CREEDMOOR ROAD - DENIED

This was a request to rezone Parcel 4, County Tax Map 323, from Residential-4 to Office and Institution-III. The action at the last Council Meeting was to direct that this matter be placed on this Agenda for consideration. Mr. Walters moved the rezoning as requested be approved. His motion was seconded by Mr. Congleton and put to a vote which resulted as follows: ayes - Babb, Calloway, Congleton, Walters; noes - Block, Cates, Keller, Upchurch. The Mayor ruled the motion defeated and the rezoning will remain Residential-4.

REPORT AND RECOMMENDATION OF THE PLANNING COMMISSION

PLANNING COMMISSION CONSENT AGENDA - APPROVED AS AMENDED

Mayor Upchurch presented the Planning Commission Consent Agenda indicating it will be handled in the same manner as the regular Consent Agenda. He indicated items marked with one asterisk beside the Certified Recommendation number are located within flood prone areas. Items marked with two asterisks beside the Certified Recommendation number are located within the Falls Basin. Mr. Keller requested that CR-5334 (Z-37-84) be withdrawn. Ms. Babb requested that CR-5328 (CP-7-84) be withdrawn. Mr. Walters requested that CR-5329 (CP-9-84) be withdrawn. Ms. Cates requested that CR-5336 (Z-116-84) and CR-5340 (Z-139-84) be withdrawn. City Attorney McCormick asked that CR-5331 (TC-277) be withdrawn. Without objection, these items were withdrawn from the Consent Agenda. Mr. Congleton moved the Planning Commission recommendation on the remaining items on the Consent Agenda be upheld. His motion was seconded by Mr. Keller and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. The items on the Planning Commission Consent Agenda were as follows:

SUBDIVISION S-104-84 - NEW BERN PLACE CONDOMINIUMS REVISIONS - APPROVED; VARIANCE GRANTED

This was a request for approval to construct 18 condominium units in two buildings on .58 acre which is currently undeveloped and zoned Office and Institution-II, and to amend the granted variance to Section 10-2075 to allow bay windows on the buildings.

The property is located at the southwestern corner of North Person Street and East Edenton Street, inside the City Limits.

CR-5322 from the Planning Commission recommended that this request be approved according to a map entitled, "New Bern Place Condominiums Revisions," the property of City of Raleigh/Martin Development Group, drawn by The Architectural Group, dated August 30, 1984; and that the request to amend the granted variance be granted. Consent Agenda approval: Congleton/Keller - 8 ayes.

PA-256 - APPLEWOOD PROFESSIONAL OFFICE - APPROVED

This was a request for approval to construct an 11,688 square foot office building on a 0.9 acre site which is currently undeveloped and zoned Office and Institution-III.

The property is located on the northeast corner of Six Forks Road and Mine Lake Court, inside the City Limits.

CR-5323 from the Planning Commission recommended that this request be approved according to a map entitled, "Applewood Professional Office," the property of Louis Poole and Associates, drawn by R. Clayton Narron, dated August 30, 1984. Consent Agenda approval: Congleton/Keller - 8 ayes.

PA-265 - WARREN BROUGHTON OFFICE BUILDING - APPROVED WITH CONDITIONS

This was a request for approval to construct a 651 square foot office building on a 0.38 acre parcel which is currently undeveloped and zoned Buffer Commercial.

The property is located on the east side of Old Garner Road, just north of Peterson Street, inside the City Limits.

CR-5324 from the Planning Commission recommended that this request be approved according to a map entitled, "Warren Broughton Office Building," the property of Coastal Development Corporation, drawn by Coastal Development Corporation, dated November 9, 1984, with the condition that a recombination is done to make the existing two lots into one prior to issuance of a building permit. Consent Agenda approval: Congleton/Keller - 8 ayes.

PA-273 - WAKE COUNTY MENTAL HEALTH CENTER ADDITION - APPROVED

This was a request for approval to add an additional 4,050 square feet of office space to an existing 15,600 square foot office building (total of 19,650 square feet) on a 4.2 acre tract, zoned Office and Institution-I.

The property is located on the northwest corner of Swinburne Street and Falstaff Road, inside the City Limits.

CR-5325 from the Planning Commission recommended that this request be approved according to a map entitled, "Wake County Mental Health Center Addition," the property of the County of Wake, drawn by G. Milton Small, dated July 6, 1984. Consent Agenda approval: Congleton/Keller - 8 ayes.

PA-274 - SHONEY'S - APPROVED WITH CONDITION

This was a request for approval to construct a 4,900 square foot restaurant on a 1.15 acre site which is currently undeveloped and zoned Neighborhood Business.

The property is located at the intersection of Maitland Drive and US 64, inside the City Limits.

CR-5326 from the Planning Commission recommended that this request be approved according to a map entitled, "Shoney's," the property of Shoney's South, drawn by Shoney's South, dated August 6, 1984, with the condition that a detailed landscaping plan be approved by the Staff prior to issuing a building permit. Consent Agenda approval: Congleton/Keller - 8 ayes.

PA-278 - DESIGN LINES LIMITED - APPROVED

This was a request for approval to convert an existing 1,800 square foot residential building into an office and parking area on a 0.11 acre parcel which is zoned Neighborhood Business.

The property is located at the northeast corner of Boylan Avenue and Peace Street, inside the City Limits.

CR-5327 from the Planning Commission recommended that this request be approved according to a map entitled, "Design Lines Limited," the property of Howard C. and Judith K. Pickett, drawn by Robinson and Sorrensen and Associates, dated October 26, 1984. Consent Agenda approval: Congleton/Keller - 8 ayes.

TC-276 - OFF-STREET PARKING REVISIONS - APPROVED

This was a request for approval to amend Sections 10-2061(3)1, 10-2061(3)n, and 10-2061(3)m to: Add drive-through facilities to the parking standards, increase the number of square feet of gross building floor area on which parking spaces are based, increase the number of vehicles which may be stored at a drive-in window, require that restaurants with both sit-down and drive-through service comply with the more stringent standard, and reducing the off-street parking for video games when they are an accessory operation.

CR-5330 from the Planning Commission recommended that TC-276 be approved as requested. Consent Agenda approval: Congleton/Keller - 8 ayes.

ORDINANCE NO. (1984) - 448 TC 227

AN ORDINANCE TO REDEFINE CERTAIN PARKING REQUIREMENTS AND STACKING REQUIREMENTS.

WHEREAS, off-street parking standards require updating due to changes in the nature of businesses; and

WHEREAS, the fast food restaurant business is using a type of drive-through facility previously not envisaged by the City Council; and

WHEREAS, the City is desirous of assuring that off-street parking standards meet the requirements of public need, safety and convenience.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA that:

Section 1. Section 10-2061(3)i is hereby repealed, rewritten and reenacted to read as follows:

"i. Drive-in, drive-through, and walk-up food service, a minimum of 1 space per sixty (60) square feet of gross building floor area, but no less than 15 spaces, and storage space for eight (8) vehicles at each drive-in window.".

Section 2. Section 10-2061(3)n is hereby amended by adding an additional sentence thereto to read as follows:

"After 12/10/84 (effective date of ordinance), if the facility provides drive-in, drive-through, or walk-up food service, it shall comply with this standard or the standard in Section 10-2061(3)i, whichever provides the greater number of spaces.".

Section 3. Section 10-2061(3)m is hereby amended by deleting the words "electronic games, one space per game" from the second sentence thereof and inserting the words "electronic or mechanical games, one space per game, provided that where such games are an accessory use, one space is required for each game above four games".

Section 4. The provisions of this ordinance are hereby declared to be severable.

Section 5. All laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. This ordinance has been adopted following a duly authorized joint public hearing of the Raleigh City Council and the Raleigh Planning Commission followed by a recommendation of the Planning Commission.

Section 7. This ordinance shall become effective five (5) days following its adoption.

Adopted: 12/4/84

REZONING Z-23-84 - AVENT FERRY ROAD - APPROVED AS AMENDED

This was a request for approval to rezone approximately 26.5 acres from Residential-10 to Residential-15.

CR-5333 from the Planning Commission recommended that Z-23-84 be approved as amended; that is, that Tract A (3.3 acres) be rezoned to Residential-15, and that Tract B (23.3 acres) be rezoned to Residential-15 (19.24 acres) and Conservation/Buffer (4.06 acres) according to a map by James S. Murphey entitled, "Rezoning Map for Kensington Park," dated June 7, 1984. Consent Agenda approval: Congleton/Keller - 8 ayes. See Ordinance 449 ZC 150.

REZONING Z-129-84 - POOLE ROAD - DENIED

This was a request for approval to rezone approximately .7 acre from Residential-20 to Neighborhood Business.

CR-5337 from the Planning Commission recommended that Z-129-84 be denied. Consent Agenda approval: Congleton/Keller - 8 ayes.

REZONING Z-131-84 - PLAINVIEW DRIVE - APPROVED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately one-half acre from Conservation/Buffer to Industrial-I, remove 100 feet of the existing 50-foot wide Conservation/Buffer on Plainview Drive, and reduce the remaining Conservation/Buffer to 10 feet on Hillcrest and Frazier Drives.

CR-5338 from the Planning Commission recommended that Z-131-84 be approved as requested. Consent Agenda approval: Congleton/Keller - 8 ayes. See Ordinance 449 ZC 150.

REZONING Z-134-84 - ARROW DRIVE - APPROVED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately three-fourths acre from Residential-4 to Office and Institution-II.

CR-5339 from the Planning Commission recommended that Z-134-84 be approved as requested. Consent Agenda approval: Congleton/Keller - 8 ayes.

ORDINANCE NO. (1984) ZC 150

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF RALEIGH WHICH INCLUDES THE ZONING DISTRICT MAP

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Section 10 of the City of Raleigh Code, which includes the Zoning District Map, be and the same is hereby amended as follows:

(a) Avent Ferry Road, west side, at Brigadoon Drive, between Crest Road and Gorman Street, being Parcels 16, 17, and 242, Tax Map 549, rezoned as follows: Tract A (3.3 acres) rezoned to Residential-15; Tract B (23.3 acres) rezoned to Residential-15 (19.24 acres) and Conservation/Buffer (4.06 acres) according to a map by james S. Murphey entitled, "Rezoning Map for Kensington Park," dated June 7, 1984, on file in the City of Raleigh Planning Department. (Z-23-84)

(b) Pleasant Pines Road, east side, between Davis Circle and Pleasant Grove Church Road, being Parcels 3 and 17, Tax Map 377; and Parcel 193, Tax Map 348, rezoned to Office and Institution-I District with the exception of the Proposed Shelley-Millbrook Road Extension which is to remain Residential-4, according to map on file in the City of Raleigh Planning Department. (Z-37-84)

(c) Lake Wheeler Road, west side, between the Beltline (I-40) and Lawrence Drive, being Parcels 3, 10, 66, 103 and 440, Tax Map 604, rezoned as follows: the area of the site adjacent to the Beltline be rezoned to Shopping Center; the 130 foot Carolina Power and Light easement and the small triangle to the south and rear of the property remain Residential-4; a 10-foot Conservation/Buffer District placed along the entire frontage along the new-proposed right-of-way of Lake Wheeler Road, according to map on file in the City of Raleigh Planning Department. (Z-47-84)

(d) Plainview Drive, east side, Hillcrest Drive, north side and Frazier Drive, north side; between U. S. 64 (New Bern Avenue) and Hillcrest Baptist Church, being portions of Parcels 38 and 238, County Tax Map 497, rezoned to Industrial-I and removal of 100 feet of the existing 50-foot wide Conservation/Buffer on Plainview Drive, and reduce the remaining Conservation/Buffer to 10 feet on Hillcrest and Frazier Drives, according to map on file in the City of Raleigh Planning Department. (Z-131-84)

(e) Arrow Drive, west side, between Glenwood Avenue (U.S. 70 West) and U. S. 1 (Beltline), being Parcel 360, Tax Map 434, rezoned to Office and Institution-II District. (Z-134-84)

(f) Daniels Street, north side, between Smallwood Drive (in Cameron Village) and Wade Avenue, being a portion of Parcel 5, Block D-179-A, Tax Map D-33, rezoned to Residential-30 District, according to map on file in the City of Raleigh Planning Department. (Z-139-84)

Section 2. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. That this ordinance shall become effective December 4, 1984.

Adopted: 12/4/84

END OF PLANNING COMMISSION CONSENT AGENDA

CP-7-84 - NORTHWEST PLANNING DISTRICT LAND USE PLAN - REFERRED TO COMPREHENSIVE PLANNING COMMITTEE

This was a request for approval to amend the Comprehensive Plan by amending the Northwest Plan to amend the development patterns, growth projections, and public facility development for the Northwest Planning District.

CR-5328 from the Planning Commission recommended that CP-7-84 be approved as amended. These amendments include revised maps NW-11, NW-13, and NW-15.

Ms. Babb indicated she had requested that this item be withdrawn from the Consent Agenda indicating she had been asked by a number of people for an opportunity to further study the plan because of some amendments, therefore, she would request that the item be referred to Comprehensive Committee. Without objection, the item was so referred.

CP-9-84 - DELETION OF YONKERS ROAD AS COLLECTOR STREET - APPROVED

This was a request for approval to amend the Major Street Plan of the Comprehensive Plan to delete Yonkers Road as a collector street.

CR-5329 from the Planning Commission recommended that CP-9-84 be approved as requested.

Planning Director Chapman explained the proposal pointing out Yonkers Road would be deleted as a collector street and shown as a marginal access road in our Street Plan. Planning Commission Chairman McNeely indicated the Department of Transportation had looked this over and had given the Planning Commission estimated traffic counts and projected development in the area and they felt that a marginal access street would handle the traffic. Mr. Walters indicated he had requested this item be pulled from the Consent Agenda as he wanted to vote on it separately. He indicated he is reluctant to remove Yonkers Road from the Collector Street Plan as we are about to build Raleigh Boulevard which is on the Collector Plan and will connect to Yonkers Road. He stated he feels that Yonkers Road will be a collector street no matter what it is called. Ms. Block moved the Planning Commission's recommendation be upheld. Her motion was seconded by Mr. Calloway and put to a vote which resulted in all members voting in the affirmative except Mr. Walters who voted in the negative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1984) 665

A RESOLUTION TO AMEND THE COMPREHENSIVE PLAN, CP-9-84

WHEREAS, the purpose of the Comprehensive Plan is to provide general guidance to City agencies, other public agencies, private individuals, and organizations as they prepare detailed plans, programs, or ordinances; and

WHEREAS, it is the intent of the City Council to maintain and amend this plan as the official statement of City Council policy concerning this to development of the City of Raleigh; and

WHEREAS, after careful review of the development patterns in the Yonkers Road area, revisions to a collector street plan are needed.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF RALEIGH, NORTH CAROLINA:

that the collector street plan of the Comprehensive Plan be amended by deleting Yonkers Road as a collector street as in the attached amendment Number CP-9-84.

Adopted: 12/4/84

TC-277 - PRIVATE FENCES AND WALLS - TO BE PLACED ON DECEMBER 18, 1984, AGENDA A SPECIAL ITEM

This was a request for approval to amend Section 10-2074(b)1 to repeal the third sentence relating to Board of Adjustment approval of solid fences or walls taller than three and one-half feet and located within thirty feet of a street right-of-way, and, in lieu thereof, prohibit a solid wall or fence from being placed within a sight triangle of a public street, private street, or driveway contained either on the property or on an adjoining property.

CR-5331 from the Planning Commission recommended that TC-277 be approved as amended.

City Attorney McCormick indicated he had asked that this be held pointing out the Department of Transportation would like to study the proposed ordinance further and make some slight adjustments as it relates to the sight triangle of a public street. Mayor Upchurch suggested this item be placed on the December 18, 1984, Agenda as a special item. Without objection, this was agreed to.

REZONING Z-37-84 - PLEASANT PINES ROAD - APPROVED AS AMENDED

This was a request for approval to rezone approximately 17 acres from Residential-4 and Industrial-I to Office and Institution-I.

CR-5334 from the Planning Commission recommended that Z-37-84 be approved as amended; that is, the property contained in Z-37-84 be rezoned to Office and Institution-I as requested with the exception of the proposed Shelley-Millbrook Road Extension which is to remain Residential-4.

Planning Director Chapman explained the request and the Planning Commission's recommendation. Chairman McNeely indicated this case had been deferred by the Planning Commission for some time and studied in a Committee pointing out there was a great deal of opposition to the case in the beginning. He indicated, however, the Planning Commission did receive a letter of endorsement from the same people who originally opposed the rezoning. Discussion took place on the location of sewer in the area with it being pointed out it is sewered to the eastern edge of the property. Mr. Keller moved the Planning Commission's recommendation be upheld. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Ordinance 449 ZC 150.

REZONING Z-11684 - US 1 NORTH - REFERRED TO PUBLIC WORKS COMMITTEE

This was a request for approval to rezone approximately 13.5 acres from Residential-6 to Residential-10 (9.3 acres) and Industrial-I (4.2 acres).

CR-5336 from the Planning Commission recommended that Z-116-84 be approved as amended; that is, that the Industrial-I portion be extended westward to the proposed center line of Pine Knoll Drive (extended), being some 3.1 net acres, and that the remainder of the tract (some 10.45 acres) be rezoned from Residential-6 to Residential-10, all according to the map entitled, "US 1 Industrial Property," drawn by LaMarr Bunn and Associates, dated November 19, 1984 (amended).

Planning Director Chapman explained the request and the Planning Commission's recommendation. Chairman McNeely indicated this item was in a Planning Commission Committee for some time and this was the Committee's recommendation which was endorsed by the full Planning Commission. Ms. Cates indicated she would like to place this requested rezoning in Public Works Committee pointing out she would like to look at the storm water controls explaining there has been a lot of flooding in this area. She moved that Z-116-84 be referred to Public Works Committee. Her motion was seconded by Mr. Calloway with Mr. Walters pointing out we have had a number of public hearings and he thought that these problems had been resolved. The motion as stated was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

REZONING Z-139-84 - DANIELS STREET - APPROVED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately one acre from Residential-20 to Residential-30.

CR-5340 from the Planning Commission recommended that Z-139-84 be approved as requested.

Planning Director Chapman explained the requested rezoning. Chairman McNeely indicated this is simply a catch up case to bring 11 units into compliance with the Zoning Ordinance. Ms. Cates indicated this is in an area where the Council has worked very hard trying to deal with the amount of Residential-30. She indicated she had been assured by everyone that the property is already developed at Residential-30 and no additional development can take place and this is simply a matter of bringing the units in compliance with the Code, therefore, she would vote for the case and moved the Planning Commission's recommendation be upheld. Her motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Ordinance 449 ZC 150.

TC-279 - SIGN ORDINANCE AMENDMENT - APPROVED AS AMENDED - ORDINANCE ADOPTED

This was a request for approval to amend Sections 10-2022(1)k, 10-2065.2(g)(2), 10-2065.2(k), and 10-2065.4 to permit a maximum amount of signage of 64 square feet, provided that no sign is more than 16 square feet in size and 8 feet high on premises which are not allowed to contain either a wall, on-premise, or off-premise ground sign, and requiring that all premises containing units have unit number signs in accordance with Section 10-2065.2(i); reducing from 32 square feet to 16 square feet the maximum construction sign size in Conservation/Buffer, Agricultural Productive, Residential or Mobile Home Zoning Districts; deleting the square footage requirement on political signs, the total signable area per premise for political signs, and the requirement that political signs may not be posted prior to the established filing date for an election or remain longer than 15 days after the election; and repealing, rewriting and reenacting Section 10-2065.4 to permit any sign authorized in Chapter 10 to contain noncommercial copy in lieu of any other copy.

CR-5322 from the Planning Commission recommended that TC-279 be approved as amended; that is, that the maximum amount of signage permitted per premise be reduced to 60 square feet and that the maximum square footage per sign be reduced to 15 square feet.

City Attorney McCormick explained the proposed amendments to the Sign Ordinance pointing out it is to eliminate the lack of distinction between commercial and noncommercial signs and briefly explained the purpose of the proposed amendment. Ms. Cates indicated as she understands the amendment, it will delete the requirement that election signs must be removed within 15 days after the election with City Attorney McCormick indicating that is correct. He indicated this refers to election signs on private property pointing out he did not feel the Council had the constitutional right to require that they be removed. Brief discussion took place, after which Mr. Congleton moved the Planning Commission's recommendation be upheld. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

ORDINANCE NO. (1984) - 450 TC 228

AN ORDINANCE TO AMEND THE RALEIGH SIGN CONTROL ORDINANCE.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA that:

Section 1. Section 10-2022(1)k of the Raleigh City Code is hereby repealed, rewritten and reenacted to read as follows:

"k. Each premise which is not allowed to contain either a wall sign or an on-premise sign or off-premise ground sign is allowed to contain a maximum amount of signage of sixty (60) square feet provided that no sign is more than fifteen (15) square feet in size and eight (8) feet in height. All premises containing units are required to have unit number signs in accordance with Section 10-2065.2(i).".

Section 2. The second sentence of Section 10-2065.2(g)(2) of the Raleigh City Code is hereby amended to delete the following language "thirty-two (32)" and in lieu thereof to insert the following "sixteen (16)".

Section 3. Section 10-2065.2(k) of the Raleigh City Code is hereby repealed, rewritten, and reenacted to read as follows:

"(k) Miscellaneous (Product and Information Signs).

To prevent accidents and clutter, to maintain property values, and to promote such readability for motorists, the following regulation is enacted. No information sign or product sign may exceed six (6) square feet in area. The total signable area for information and product signs located on any premise may not exceed thirty-two (32) square feet. Information and product signs are permitted in all zoning districts, except residential and mobile home districts.".

Section 4. Section 10-2065.4 of the Raleigh City Code is hereby repealed in its entirety and is rewritten and reenacted to read as follows:

"Section 10-2065.4 Permitted Signs.

Any sign authorized in this chapter is allowed to contain noncommercial copy in lieu of any other copy.".

Section 5. All ordinances and clauses in conflict herewith are hereby repealed to the extent of said conflict.

Section 6. This ordinance has been adopted following a duly advertised joint public hearing of the Raleigh City Council and the City Planning Commission following a recommendation of the Planning Commission.

Section 7. If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or application of the ordinance which can be given separate effect and to this end the provisions of this ordinance are declared to be severable.

Section 8. This ordinance shall be enforced as provided in N.C.G.S. 160-A-175 or as provided in the Raleigh City Code.

Section 9. This ordinance shall become effective immediately upon its adoption.

Adopted: 12/4/84

REZONING Z-47-84 - LAKE WHEELER ROAD - APPROVED AS AMENDED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately 16 acres from Residential-4 to Shopping Center.

CR-5335 from the Planning Commission recommended that Z-47-84 be approved as amended; that is, that the area of the site adjacent to the Beltline be rezoned to Shopping Center, as requested; that the 130-foot Carolina Power and Light easement (and the small triangle to the south and rear of the property) remain Residential-4 (be denied); that a 20-foot Conservation/Buffer District be placed along the entire frontage along the new, proposed right-of-way of Lake Wheeler Road; and that when the update of the Southwest District is completed, the neighborhood focus area currently located at the corner of Lake Wheeler and Holly Springs Roads be relocated to this site.

Planning Director Chapman explained the requested rezoning and the Planning Commission's recommendation. Chairman McNeely indicated this was in a Planning Commission subcommittee and they felt that the focus area shown on the Comprehensive Plan is in the incorrect area as there is no sewer to that location, therefore, that is why the Planning Commission suggested that the neighborhood focus area currently located at the corner of Lake Wheeler and Holly Springs Road be relocated to this particular site. Ms. Block indicated she agreed with the recommendation but she has some concerns pointing out the West-Southwest update was submitted in May and nothing has happened. She indicated she agreed that the neighborhood focus should be moved and maybe the City Council would want to initiate a zoning change or a Comprehensive Plan change on this property. Ms. Babb questioned when we would get the West-Southwest plan in Comprehensive Planning Committee with Mr. Chapman indicating it is in the administrative review process and hopefully it will come to the

Committee in February. Ms. Block suggested that the Planning Commission's recommendation be amended to the point that the Council would submit a rezoning request on the property currently designated the focus area. Mr. Walters moved the Planning Commission's recommendation be upheld. His motion was seconded by Mr. Calloway and after brief discussion, put to a vote which passed unanimously. The Mayor ruled the motion adopted. See Ordinance 449 ZC 150.

COMMITTEES, COMMISSIONS, AND BOARDS

PARKS AND RECREATION ADVISORY BOARD - NOMINATIONS MADE

The Clerk reported the terms of Robert E. Monroe and Jeanette Bennett expire December 23. Both have been nominated for reappointment and nominations have not been closed. Mr. Congleton nominated Patricia Yancey, 5486 Pine Top Circle. No further action was taken.

GREENWAY COMMISSION - TED DOSSETT REAPPOINTED

The Clerk reported the term of Ted Dossett expires January 18, 1985, and he has been nominated for reappointment and nominations have not been closed. There being no further nominations, Mr. Walters moved that nominations to the Greenway Commission be closed and Mr. Dossett reappointed by acclamation. His motion was seconded by Ms. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

TRANSIT AUTHORITY - JOSEPH EDWARDS APPOINTED

The City Clerk reported one vacancy due to the resignation of Marcus L. Scruggs. Nominations include Marion Perry, Joseph Edwards and Clint Heinbach. Nominations have not been closed. There being no further nominations, Mr. Walters moved that nominations to the Transit Authority be closed. His motion was seconded by Mr. Congleton and put a vote which passed unanimously. The Mayor ruled the motion adopted.

A ballot vote resulted as follows: Mr. Edwards - 5 (Keller, Babb, Upchurch, Walters, Cates); Heinbach - 2 (Calloway, Block); Perry - 1 (Congleton). The Mayor announced the appointment of Joseph Edwards to the Transit Authority.

RALEIGH-DURHAM AIRPORT AUTHORITY - APPOINTMENTS MADE

The Clerk reported the terms of Jack Harris and George Willoughby expire January 6. Both have been nominated for reappointment and nominations have not been closed. Mr. Calloway moved that nominations be closed and the two reappointed by acclamation. His motion was seconded by Mr. Keller. Ms. Block indicated she feels that we should have some women nominees with Mayor Upchurch questioning if she had a nomination. She made a substitute motion that the nominations be held open one week. This died for the lack of second and the original motion was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

HISTORIC PROPERTIES COMMISSION - NOMINATIONS MADE

The Clerk reported two vacancies due to the resignations of Nat H. Robb and Cecelia Winslow. Mr. Walters nominated J. C. Knowles. No further action was taken.

TELECOMMUNICATIONS COMMISSION - NOMINATIONS MADE; RESIDENCY REQUIREMENT OF TELECOMMUNICATIONS COMMISSION - REFERRED TO THE LAW AND FINANCE COMMITTEE

The City Clerk indicated there is one vacancy on the Telecommunications Commission due to the resignation of Paul Vandergrift. Thomas McCrary has been nominated and nominations have not been closed. Mayor Upchurch nominated Laura Kranifeld. No further action was taken. The City Clerk reported the Chairman position of the Telecommunications Commission is vacant. Joan Baron has been nominated and nominations have not been closed. Mr. Calloway nominated Karen B. Peeler.

The City Clerk reported the following terms on the Telecommunications Commission expire January 10, 1985: John Kinney, Jr., Alan R. Blatecky, Wayne Hurder, Ronald McCrimmon, Kenneth Durham and Dr. Donell H. Lewis. All are eligible for reappointment and have good attendance records. No nominations have been made. Mayor Upchurch indicated he is not sure all of the persons presently serving on the Telecommunications Commission are residents of the City of Raleigh. He stated he would like for the Law and Finance Committee to look at the Board pointing out possibly we should designate some persons from our ETJ explaining how our franchise is set up. He stated he is not pro or con on this matter at this point but maybe we should consider the residency requirements for people on the Telecommunications Commission. He stated he is just asking that it be analyzed. Without objection, this was referred to the Law and Finance Committee.

COMMITTEES MEMBERSHIP - NUMBER OF WOMEN - COMMENTS RECEIVED

Ms. Block indicated she would appreciate some help from the news media relative to appointments to the various Committees, Commissions, and Boards. She called attention to the fact that all of the people who have been appointed to different

Committees today are males. She suggested that each Council Member consider their female friends who are qualified to serve on various Boards and Commissions when making nominations. The comments were received.

PLANNING COMMISSION - COUNTY APPOINTEE - COMMENTS RECEIVED

The City Clerk indicated she had received a letter from the County Manager requesting a recommendation from the City of Raleigh for a replacement for Clifton Woodlief to serve as a County appointed member on the Planning Commission. No one had suggestions and Mayor Upchurch urged each Council Member to contact the County Commissioners directly if they had recommendations.

CABLE OFFICE - COMMENTS RECEIVED

Mr. Walters indicated recently, a gentleman who lives in the City's ETJ was having a problem with ATC. He indicated this gentleman came to his door to purchase some materials to correct a problem that should have been corrected by ATC but he could get no assistance from them. Mr. Walters indicated this gentleman called the City's Cable Office, explained his problem and they got someone to correct the problem immediately. He commended the Cable Communication Office for this type work.

REPORT AND RECOMMENDATION OF THE PUBLIC WORKS COMMITTEE

SWIMMING POOLS - LONGVIEW AND LAKE JOHNSON - JOINT AWARD MADE TO SECURITY BUILDING COMPANY, TRIANGLE MECHANICAL, TRIPLE A ELECTRIC AND RURAL PLUMBING AND HEATING; ADMINISTRATION TO GIVE STATUS REPORT ON MAJOR PARKS PROJECT WHICH REMAIN TO BE BID

Ms. Block indicated the Public Works Committee has held several meetings on the Lake Johnson and Longview Pools. Assistant City Manager Yates presented the following recommended bids, alternates and deduction as well as funding considerations relating to the pools.

LONGVIEW AND LAKE JOHNSON POOLS

RECOMMENDED BIDS, ALTERNATES, AND DEDUCTIONS

A. Low Bids and Recommended Alternates:

	Longview	Lake Johnson	Total
1. General (Security Bldg. Co.)			
Base Bid	$ 612,500	$ 662,500	$ 1,275,000
Alternate G-3 (210 day completion)	(7,500)	(7,500)	(15,000)
Sub-total, General	$ 605,000	$ 655,000	$ 1,260,000
2. Plumbing			
(Triangle Mechanical)	86,592		86,592
(AAA Electric)		145,740	145,740
3. Electrical (Wells El. Serv.)	47,776	48,987	96,763
4. HVAC (Rural Plumb. & Htng.)	14,400	14,400	28,800
Total Bids & Alternates	$ 753,768	$ 864,127	$ 1,617,895

B. Recommended Deductions:

	Longview	Lake Johnson	Total
1. Delete skylights	$ 9,745	$ 9,745	$ 19,490
2. Delete landscaping	2,760	2,685	5,445

	Longview	Lake Johnson	Total
3. Change wall to floor mounted water closets	$ 338	$ 900	$ 1,238
4. Less expensive water heater	1,281	1,500	2,781

5. Change electrical hook-up	1,100	1,100	2,200
Total Deductions	$ 15,224	$ 15,930	$ 31,154

(A deduction for reducing pool sizes to 25 yards by 60 feet was quoted at $33,716, total. This is not recommended.)

C. Summary; Recommended Bids, Alternates, and Deductions:

	Longview	Lake Johnson	Total
Total base bids	$ 761,268	$ 871,627	$ 1,632,895
Less Alternate G-3	(7,500)	(7,500)	(15,000)
Less Deductions	(15,224)	(15,930)	(31,154)
Total Recommended Award	$ 738,544	$ 848,197	$ 1,586,741

LONGVIEW AND LAKE JOHNSON POOLS

FUNDING CONSIDERATIONS

A. Potential Resources

General Park Improvement Reserve	$ 171,279
Reserve for 6th Pool	500,000
Total Reserves	$ 671,279

B. These reserves are a potential funding source for overruns in other projects which will be bid this year. Major projects which remain to be bid are:

Site Acquisition	$ 300,000
Camp Durant	212,000
Maintenance Headquarters	140,000
Cedar Hills Park	200,000
Brookhaven Park	240,000
Apollo Center	225,000
Sanderford Road Park	$ 150,000
Optimist Center	250,000
Worthdale Center	250,000
Millbrook Pool	750,000
Total	$ 2,717,000

C. Budget for Longview and Lake Johnson Pools

Design	$ 107,600
Land Acquisition	80,700
Miscellaneous	30,000
Street Access	24,200
Construction	1,227,500
Total Budget	$ 1,500,000

D. Comparison of bids with construction budget

	Base Bid	Recommended Alternative
Bid Award	$ 1,632,895	$ 1,586,741
Construction Budget	(1,227,500)	(1,227,500)
Additional Funds Required	$ 405,395	$ 359,241

E. Recommended source of additional funds

	Base Bid	Recommended Alternative
Reserve for 6th pool	$ 500,000	$ 500,000

Longview & Lake Johnson Overrun	(405,395)	(359,241)
Remaining Reserve for 6th pool	$ 94,605	$ 140,759

Ms. Babb indicated as she understands the recommendation, we are not reducing the size of the pool with Ms. Block indicating that is correct. Ms. Block explained the architect had assured her that if somewhere down the road we wanted to build another Optimist Pool, all we would have to do is to take out one end and enlarge the pool. Mr. Congleton indicated the Committee is recommending five deductions. He pointed out we are going to have to pull from reserve anyway and questioned whether we should go with these deductions and sacrifice the quality of the pool. Assistant City Manager Yates indicated the staff went through this and determined that these are reasonable deductions. Mr. Congleton indicated we are talking 1.5 million dollars and he feels a little uncomfortable in proceeding today. He questioned if we could hold this until the next meeting with it being pointed out the bids are good only until December 15. The low bidder is considerably lower than the other bidders and he has indicated he could not hold them any longer. It was pointed out if we awarded the bids today as recommended by the Public Works Committee, the completion date would be July anyway. Mr. Calloway moved the Public Works Committee's recommendation be upheld. His motion was seconded by Ms. Cates. Mr. Walters indicated he is confident that no quality has been reduced as he feels Administration would have recommended these deductions anyway. Ms. Babb indicated she shares Mr. Congleton's concern and a number of citizens have contacted her and are concerned about the quality of the pool. Mr. Walters indicated no one wants the size of the pool reduced and the Public Works Committee is not recommending that. Ms. Babb indicated as a point of personal privilege, she would like to allow the citizens in the audience to get their comments into the record. This was discussed briefly, after which it was agreed that the persons in the audience who wanted to speak would be allowed to speak if they would hold their remarks to the recommendation of the Committee.

Saunders Abrams, Tanbark Way, indicated he would hate to see the Council compromise the quality of the pool at this point. He indicated we need a 50 meter facility to better meet the needs of the citizens in the swim community.

Roslyn Smithwick indicated she is a regular swimmer at Optimist and she does not want the pool to be made smaller. She questioned the cost of the water heater and the replacement cost pointing out she does not want the City to sacrifice on the quality.

Ms. Babb indicated as she understands the situation at this point if we put off a decision two weeks then we would have to rebid the whole pool with City Manager Benton indicating that is correct as the low bidder has chosen not to extend the bids. Ms. Babb indicated she is reluctant to move this quickly but is even more reluctant to defer to the point that it would have to be rebid. The motion as stated was put to a roll call vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

ORDINANCE (1984) 458 TF 11

WHEREAS, it appears desirable and for the best interest of the City of Raleigh and its citizens that funds in the amounts hereinafter set forth heretofore appropriated as set forth in the appropriations ordinance adopted June 19, 1984, and included in the budget for the fiscal year ending June 30, 1985, be transferred from one account as permitted and authorized by the General Statutes of North Carolina, NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the amounts hereinafter set forth be and are hereby transferred for the purpose shown:

CODE	ACCOUNT	OBJECT CLASSIFICATION	AMOUNT
From	38-2-2030-0101	Longview General	$635,005.00
To	38-2-2030-0105	Longview Plumbing	84,973.00
To	38-2-2030-0106	Longview Electrical	46,676.00
To	38-2-2030-0107	Longview HVAC	14,400.00
To	38-2-2030-0201	Lake Johnson General	283,329.00
To	38-2-2030-0205	Lake Johnson Plumbing	143,340.00
To	38-2-2030-0206	Lake Johnson Electrical	47,887.00
To	38-2-2030-0207	Lake Johnson HVAC	14,400.00

Purpose: Construction of Longview & Lake Johnson Pools.

Adopted: 12/4/84

ORDINANCE NO. (1984) 459

AN ORDINANCE TO AMEND THE 1984/1985 BUDGET ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the 1984/1985 Budget be amended as follows to reflect fund transfer for Lake Johnson and Longview Pools:

From		
37-2-1000-0100	Council	$359,241.00
To		
38-1-0080-0201	From Fd. 37	$359,241.00

Section 2. That the 1984/1985 Budget be amended as follows to reflect fund transfer for Lake Johnson and Longview Pools:

From		
	Unappropriated	$359,241.00
To		
38-2-2030-0201	Lake Johnson General	$359,241.00

Adopted: 12/4/84

Mr. Congleton indicated there is a list of programs that have been authorized but not bid on Page 3, Item B of the funding considerations given out by Mr. Yates. He requested a status report on the time schedule for bidding these projects. Without objection, Administration was asked to provide this information.

Ms. Cates indicated she understood the Master Plan Committee at Optimist is being formed and five members have been designated but they are not getting a lot of cooperation in getting representatives from the North CAC. She stated that is the hold up. Mr. Congleton indicated they plan to meet in mid-December and he assumes that their representatives will be appointed at that time.

REPORT AND RECOMMENDATION OF THE COMPREHENSIVE PLANNING COMMITTEE

None.

REPORT AND RECOMMENDATION OF THE DOWNTOWN COMMITTEE

DOWNTOWN ADVISORY COMMITTEE - AMES CHRISTOPHER APPOINTED AS VICE CHAIRPERSON

Mayor Upchurch indicated the Downtown Committee recommends that Ames Christopher be appointed Vice Chairperson of the Downtown Advisory Committee as suggested by that Committee. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Mr. Walters and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

DOWNTOWN PROMOTION - EVENTS ON THE MALL - CONCEPT APPROVED - CIVIC CENTER AUTHORITY DESIGNATED AS LEAD AGENCY

Mayor Upchurch indicated Council Members received a proposed Management Action Plan relating to Fayetteville Street Mall Promotions. He indicated the Downtown Committee recommends adoption of the Action Plan and designation of the Civic Center Authority as the lead agency for downtown promotions. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

CITY MARKET PROJECT - NEW FUNDING CONCEPT APPROVED - ADMINISTRATION TO PROCEED; CRANSTON DEVELOPMENT COMPANY CONTRACT - TIME EXTENDED

Mayor Upchurch indicated Committee Members received an update of the City Market Project which involves proceeding with the project without a UDAG Grant. He indicated the Committee recommends approval of the new funding concept which will allow Administration to proceed with contracts and agreements to implement the project. The Committee further recommends that the contract with Cranston Development Company be extended 90 days with no additional funds involved. Mayor Upchurch indicated Council Members received a copy of the proposed summary in their Agenda packet. On behalf of the Committee, he moved the recommendation of the Committee be upheld. His motion was seconded by Ms. Babb. Ms. Block indicated the only thing she knew about this new proposal is what she had read in the paper. City Manager Benton briefly explained the project to Ms. Block, after which the motion as stated was put to a roll call vote which resulted in all members voting in the affirmative except Ms. Block who voted in the negative. The Mayor ruled the motion adopted.

REPORT AND RECOMMENDATION OF THE CITY MANAGER

TARHEEL AQUA RACERS - CO-SPONSORSHIP REQUEST - TO BE PLACED ON DECEMBER 18 AGENDA

Pursuant to Council request, Administration has reviewed the proposal submitted by this swim group for City Co-Sponsorship. A report was included in the Council Members' Agenda packet.

Recommendation: Based on an evaluation of the proposal, the extensive use which is made of Optimist Pool by others, and the relatively high expense of operating this facility, it is recommended that the City decline to accept this request and maintain the same kind of relationship with this group which has been in existence since it began to use Optimist Pool.

City Manager Benton indicated since the Agenda preparation, the City has had a request from Tarheel Aqua Racers to discuss this further, therefore, he would request that this item be referred back to Administration for additional discussion with Tarheel Aqua Racers and a report would be made at the next meeting. Ms. Cates questioned if the Parks Board has been involved in this recommendation with City Manager Benton indicating the Parks staff has been involved but he did not think the Parks and Recreation Advisory Board has been involved with Ms. Cates indicating she would hope that the future discussions would involve members of the Board. Without objection, the item was referred back to Administration.

RALEIGH IS BROCHURE - APPROPRIATION FOR PRINTING APPROVED

In 1982, the Council approved $15,000 for printing an "image" brochure to be distributed by the Greater Raleigh Chamber of Commerce. We have recently been informed that the supply of 200,000 copies is being depleted.

Recommendation: That the City Council appropriate $9,400 from Council Contingency to allow printing of an additional 125,000 copies of the same brochure. This limited number is suggested because of the changing conditions in Raleigh and the need to prepare a new brochure content at a later date.

Ms. Block indicated when this brochure was previously printed, the City's supply ran out quickly. She questioned if we would be setting aside as many as the City needs for their distribution with City Manager Benton indicating he felt that could be accomplished. Ms. Block indicated with that stipulation, she would move Administration's recommendation be upheld. Her motion was seconded by Mr. Walters and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Ordinance 446 TF 10.

STATE BUILDING CODE - PROPOSED REVISIONS - RESOLUTION OF SUPPORT ADOPTED

Efforts to rehabilitate downtown office buildings have identified a number of concerns with the way the Building Code affects such activities. The Inspections Department staff has worked with various groups on this subject. As a result, the N.C. Chapter of the American Institute of Architects has submitted a requested Code change to the State Building Code Council.

A report was included in the Council Members' Agenda packet which identifies the proposed changes and their impact.

The Building Code Council meets on December 11, 1984, to consider this request.

Recommendation: That the City Council adopt a resolution supporting the proposed adjustment in the Building Code. A copy of the resolution was included in the Agenda packet.

City Manager Benton indicated these changes would provide a little more flexibility in our effort for rehabilitation of structures in the downtown area. Mr. Walters moved adoption of the resolution as recommended by Administration. His motion was seconded by Ms. Cates and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1984) - 663

A RESOLUTION OF INTENT TO REQUEST THE NORTH CAROLINA STATE BUILDING CODE COUNCIL TO AMEND THE REQUESTED CODE AMENDMENT IDENTIFIED AS ITEM 15 AS IDENTIFIED ON THE BUILDING CODE COUNCIL AGENDA OF DECEMBER 11, 1984.

WHEREAS, it is the objective of the City of Raleigh to provide certain minimum standards, provisions and requirements for safe and stable design, methods of construction, materials in buildings so as to provide for public health, safety, and general welfare through the vigorous enforcement of the North Carolina State Building Code.

WHEREAS, the Raleigh City Council finds that development in the downtown area is beneficial to the City's economic vitality.

WHEREAS, the Raleigh City Council finds current Building Code requirements inhibiting rehabilitation of downtown structures.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA:

Section 1. That the North Carolina State Building Code Council amend the request as defined on Item 15 on the agenda December 11, 1984.

Request by Norma DeCamp Burns, AIA, NCAIA Historic Resources Committee to revise the North Carolina State Building Code, Volume I, General Construction, by deleting the present wording in Section 101.6(d)(1) and Substituting the following wording:

"(1) Alterations, repairs or rehabilitation work may be made to any existing (historic) building to comply with all the requirements of this code provided that the alteration repair or rehabilitation work conforms to the requirements of this code for new construction. The building official shall determine, if any, the extent to which the existing building shall be made to conform to the requirements of the code for new construction.

Section 2. That the North Carolina State Building Code Council amended in its place to Section 101.6(d)(1) the following additional sentence "The local jurisdiction may use Appendix P in lieu of the building being made to conform to the request of the code for new buildings."

Section 3. That Article 25 of the BOCA Code be added as Appendix P to the North Carolina State Building Code, Volume I.

Adopted: 12/4/84

CITY CODE - PROPOSED AMENDMENTS RELATING TO SEDIMENTATION AND GRADING PERMITS - PUBLIC HEARING AUTHORIZED

The following changes are proposed for Council consideration. Each would need to be included in the next zoning hearing process.

(1) Sedimentation Control

Included in the Agenda packet was a proposed ordinance which would allow deletion of the seven working day notice for abatement of violations. This has been a time consuming problem in our enforcement efforts. The proposed procedure would allow administrative flexibility in establishing a time period for compliance based on the type of violation. The proposal would also provide that if the condition is not abated or corrected, then the penalty period would revert to the date that the violation was observed.

(2) Procedures for Granting Grading Permits

The process for allowing grading permits in zoning districts which have site plan approval provisions needs to be clarified. Administration has been following the practice of not granting grading permits in those zoning districts which have site plan approval until after the site plan has been approved. In other zoning districts, grading permits can be obtained prior to a request for building permits. With the expansion of the number of site plan approval districts, this has become a point of concern. Administration feels that a grading permit should only be issued in compliance with an approved site plan and not before the site plan has been approved in order to assure the maximum opportunities of consideration of natural features in the site plan review. Included in the Agenda packet is the proposed Code amendment.

Recommendation: That Council authorize the advertising of these two text changes for public hearing with the next zoning hearing.

Ms. Block indicated she had no questions about the recommendations to change the Sedimentation Control Ordinance but indicated she is not sure she understands the recommendations for changes relating to granting grading permits. She questioned if this is the same thing as was recommended by Penny Greene. Mr. Benton indicated this tries to deal with her concerns. Ms. Block moved Administration's recommendation on the public hearings be upheld. Her motion was seconded by Mr. Calloway and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

PERSONNEL - ADDITIONAL POSITIONS IN INSPECTIONS DEPARTMENT - APPROVED - FUNDS APPROPRIATED

The work load for our Construction Inspections staff continues to rapidly escalate as a result of the development pace. While the 1984-85 budget included four additional Construction Inspection positions, the work load continues to increase. It is essential to add the following new positions as quickly as possible:

1 Building Inspector III - Pay Grade 32
1 Electrical Inspector III - Pay Grade 32
1 Plumbing Inspector III - Pay Grade 32

Revenues from permit fees will be sufficient to fund this additional cost of $61,243 for this fiscal year.

Recommendation: That the Council approve addition of these three positions and the following transfer of funds:

From:		
01-2-1040-0001	Contingency	$61,243
To:		
01-2-1240-0100	Salaries	$26,593
01-2-1240-0707	Auto	25,500
01-2-1240-0703	Field Equip.	900
01-2-1240-0706	Radio	2,250
01-2-1240-0701	Office Furniture	6,000
		$61,243

Ms. Block moved Administration's recommendation be upheld. Her motion was seconded by Mr. Calloway and roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Ordinance 446 TF 10.

PUBLIC UTILITIES - REQUEST FOR EXTENSION - REFERRED TO PUBLIC WORKS COMMITTEE

(1) Extension of Water and Sewer to Cameron Sherron Tract on Fox Road

A request to extend water and sewer to serve the Cameron Sherron tract of land located on the north side of Fox Road has been received. This property is located in the Perry Creek Basin just south of the Berkshire Downs Subdivision. The request calls for the extension of City water through Berkshire Downs and through a portion of easement to serve the Sherron tract. The main will be extended through the property and along all of the frontage along Fox Road. The connection of this easement will purely be temporary and will be eliminated at the time the main is extended along Fox Road south to Spring Forest Road. The sewer system will be extended from the Perry Creek Outfall to serve this particular parcel. All water and sewer extensions will be made in accordance to the City of Raleigh standards. This is a variance from our general requirements which is justified because of the peculiar conditions.

Recommendation: It is recommended that the City Council concur in this request to extend public water and sewer, subject to Mr. Sherron formalizing an agreement with Eastman Development Company for the treatment of his sewage until the package plant is eliminated by the construction of the Neuse River/Perry Creek Outfall.

(2) Extension of Sanitary Sewer - U.S. 1 North

A request from individuals representing the Spradley property on U.S. 1 North, just north of Oak Forest Road, has been received. The request is for the extension of an 8" sanitary sewer main to serve this Spradley tract of land. The request entails the installation of approximately 1,500 feet of sanitary sewer main and a small pump station which will be privately owned and maintained by the developer. The pump station will discharge into the gravity sewer at Spring Forest Road. This area is in the Perry Creek Basin.

Recommendation: It is recommended that this request for sanitary sewer be approved by the City Council. This pump station will be a temporary pump station that will be phased out with the installation of the Neuse River/Perry Creek Outfall lines.

Mr. Walters moved Administration's recommendation be upheld. His motion was seconded by Ms. Cates. Ms. Block indicated she had some questions and would make a substitute motion that the two requests for extension of utilities be referred to Public Works Committee. Her substitute motion was seconded by Ms. Cates and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

PUBLIC SERVICE COMPANY OF NORTH CAROLINA - FRANCHISE RENEWAL - APPROVED ON FIRST READING; TO BE PLACED ON DECEMBER 18, 1984, AGENDA FOR SECOND READING

After several months of negotiation, a proposed franchise which is acceptable to the Public Service Gas Company and the City Administration has been developed. A copy of the proposed franchise ordinance was included in the Agenda packet. During the preparation of this proposed franchise agreement, it was concluded that detailed standards for work in the City rights-of-way should be included in a separate ordinance and made applicable to all parties which perform such work. An ordinance which regulates work in City rights-of-way will be prepared to supplement this and other franchise agreements.

Recommendation: That the proposed renewal of the gas franchise ordinance with the Public Service Company of N.C. be approved. First approval of the franchise is

recommended and the franchise will be placed on the next Agenda for second approval as required by State Statue.

City Manager Benton indicated the City is intending to address the issues about working in the public right-of-way in ordinance form. He indicated if the franchise is approved, Administration would bring back the ordinance for Council consideration. He explained it was felt it is better to address these working type issues in ordinance form rather than in the Franchise Agreement. Mr. Walters moved Administration's recommendation be upheld. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

ORDINANCE - (2984) - 451

AN ORDINANCE RENEWING GAS FRANCHISE TO PUBLIC SERVICE COMPANY OF NORTH CAROLINA, INCORPORATED, ITS SUCCESSORS AND ASSIGNS, FOR THE CITY OF RALEIGH, NORTH CAROLINA, FOR A PERIOD OF THIRTY (30) YEARS

BE IT ORDAINED by the Council of the City of Raleigh, North Carolina:

SECTION 1. Definitions. That whenever and wherever used in this Ordinance the following words and names shall have the following respective meanings:

(a) COUNCIL shall mean the Council of the City of Raleigh, North Carolina, as now or hereafter constituted.
(b) COMPANY shall mean Public Service Company of North Carolina, Incorporated, its successors or assigns.
(c) CITY shall mean the City of Raleigh, North Carolina, including its future as well as its present city limits.
(d) ETJ shall mean the area in which the City of Raleigh exercises extraterritorial jurisdiction with respect to matters dealt with in Article 19 of Chapter 160A North Carolina General Statutes, as the same now and may hereafter read and be constituted and numbered, being the area between the corporate limits and a line, approval of which was requested by the Raleigh City Council on June 19, 1972, and granted by the Wake County Board of Commissioners on February 5, 1973, and being shown on a map entitled "Extraterritorial Jurisdiction, City of Raleigh, North Carolina" and dated August 20, 1973, as amended.
(e) GAS shall mean natural gas, mixed gas, and substitute fuels as approved by the North Carolina Utilities Commission for distribution to customers of the Company.
(f) GAS SYSTEM shall mean all facilities of the Company in the City used for the transmission and distribution of gas within the City.
(g) COMMISSION shall mean North Carolina Utilities Commission or its successor.
(h) F.E.R.C. shall mean Federal Energy Regulatory Commission or its successor.
(i) PUBLIC WAY OR WAYS shall mean any public street, avenue, road, alley, lane, bridge or other public right-of-way within the City over which the City as of the applicable time has control or jurisdiction.

SECTION 2. Grant of Authority. There is hereby granted by the City to the Company, its successors and assigns, the right and privilege to construct, operate, and maintain a gas utility system within the City for the transmission, distribution, and sale of gas to customers, or users within the City. The Company shall have the right, authority, and privilege to construct, install, operate, maintain, lay or re-lay, renew, replace, and repair gas pipes, mains, pipelines, and necessary appurtenances thereto in, through, across, along, and under the Public Ways within the City for the pumping, handling, transmission, distribution and sale of gas for any and all purposes; and for such objects and purposes to take up the pavement in Public Ways, and to make such excavation and changes therein as may be necessary therefor.

SECTION 3. Nonexclusive Grant. This franchise is not exclusive. The City may grant the same or similar rights and privileges to other persons at any time.

SECTION 4. Franchise Not Waiver Of Law. This franchise is not a waiver of any present or future law or regulation. This franchise is not a limitation upon the authority of the City to adopt any law or regulation.

SECTION 5. Conflict With Other Regulations. Where any provision of this franchise is in conflict with any rule of the Commission or F.E.R.C., so that the Company cannot reasonably comply with both the provisions of this franchise and any rule of the Commission or F.E.R.C., then the Company shall comply with any such rule instead of the conflicting provision of this franchise; but the Company shall comply with all of the provisions of this franchise where such can be done without violating any rules of the Commission or F.E.R.C.

SECTION 6. Service Standards.
(1) The Company shall maintain and operate its Gas System in a reasonably efficient manner, in order to supply adequate gas service to its customers in the City.

(2) The Company shall comply with all applicable ordinances and regulations of the City not in conflict with the rules of the Commission or F.E.R.C.

(3) The Company shall comply with all applicable rules of the Commission and F.E.R.C.

(4) The Company shall at its own expense, unless relieved by the Council, extend its gas mains and pipes for furnishing gas to and upon any present or future dedicated Public Way, or any part thereof, in said City, whenever at least one customer on the average of each 100 feet of such main or pipe on the Public Way in which the extension is to be run, shall first agree in writing to take a supply of such gas at the then prevailing rates fixed and established by the Commission for the sale and distribution of gas to any such customers; and further, shall install at its own expense the pipe and equipment necessary to provide gas to the structure of any such customer within one hundred (100) feet of any such Public Way in accordance with any rules and regulations of the Commission.

(5) The Company shall not substantially reduce the quantity or quality provided annually by the Company to consumers within the area of this franchise from that which was provided in the year preceding the effective date of this franchise, unless the Company is authorized to reduce such quantity or quality by the Council, the Commission or F.E.R.C. If the demand for gas is less than the quantity which the Company is required to supply under this subsection, then the Company shall furnish the quantity demanded rather than the quantity otherwise required by this subsection.

(6) In the event of any interruption or impairment of service or failure of supply of gas by reasons of force majeure, act of God, strike, breakdown, accident, or other happening beyond the reasonable control of the Company, the Company shall use due diligence to restore such service within a reasonable time. Such interruption or failure shall not constitute a breach of this Ordinance.

(7) The Company shall bear the entire cost of adapting or changing the gas burners or other gas equipment of its customers when such adaptation or change is necessitated by the transmission or distribution by the Company of gas with properties different from the properties of gas customarily transmitted or distributed by the Company in the year preceding the effective date of this franchise, regardless of the cause of the change in the properties of the gas.

SECTION 7. Conditions on Use of Public Ways.

(1) The Company shall construct, operate, and maintain its Gas System so as to cause minimum interference with the public use of any Public Ways, or with any abutting property owner's access thereto.

(2) The Company shall locate the gas mains and pipes of its gas system in the Public Ways or in the public streets, alleys or right-of-ways in the City and the ETJ at such location as the City may prescribe. The Company shall not lay its gas mains or pipes in the same trench in which water mains or sewer lines are laid. The Company shall construct and locate its gas mains and pipes so as not to interfere with the construction, location, and maintenance of sewer or water connections or sewer lines or water mains. The Company will take the necessary steps to protect the facilities of the City and other utilities during the work.

(3) The Company shall coordinate with other utilities which use the Public Way and shall maintain membership in a utility locating service recognized by the City. Upon request of the City, the Company shall provide information identifying the location of Company facilities.

SECTION 8. Excavation in Public Ways; Restoration; Damage.

(1) Whenever the Company excavates in any of the Public Ways pursuant to this franchise, or in public streets, alleys or right-of-ways in the ETJ, such excavation shall be made by the Company in compliance with the laws and regulations of the City in effect at the time of such excavation.

(2) The Company shall not excavate in any Public Ways unless the Company shall first have applied for and received a written permit from the City for such excavation. The permit shall prescribe the area where the excavation is to be made, the estimated length of time within which the excavation and work is expected to be completed and any other conditions. The City may impose reasonable fees pursuant to a uniform schedule of fees applicable to all applicants for any such permits to defray the cost of processing and administering permits for excavation in Public Ways. In emergencies involving public safety, the Company shall proceed with all necessary operations without the necessity of having first obtained the permit prescribed by this subsection. In such emergencies, however, the Company shall obtain the required permit at the earliest practical opportunity. Provided, however, the Company shall have the right to seek relief from the Council from any unreasonable condition of any such permit or from the withholding of any such permit.

(3) Immediately after the Company installs or repairs gas mains or pipes, the Company shall refill the trenches in which the mains and pipes are located according to standards established by the City. The Company shall promptly restore and replace the pavement, sidewalks, curbs or gutters in any Public Way destroyed, disturbed, or damaged by such work with like materials to their former condition at the Company's expense, and shall thereafter, from time to time as required by the City, readjust,

fill, and finish the same as may be necessary on account of settling of the earth or pavement caused by such opening. When the Company cuts or disturbs a section of sidewalk paving, the Company shall restore the whole section rather than replace only the sidewalk paving lying within the area actually cut. The restoring or replacement of any such pavement, sidewalk, curbs, gutters, or other damage shall be done by the Company in accordance with the specifications of the City, and shall be subject to inspection by the City.

(4) Immediately after the aforesaid work described in (3) above has been completed, the Company shall notify the City in writing that the restoration or replacement work has been done. If the Company fails, neglects or refuses to refill such trenches and excavations as herein provided, or fails, neglects or refuses to restore or replace any such pavement, sidewalk, curbs, gutters or other damage to their former condition, as herein provided, within five (5) days after such gas mains and pipes have been laid therein or repaired, as herein further provided, then the City may do all or such part of said work as may remain undone, at the cost and expense of the Company, for which the Company shall reimburse the City upon the presentation of a bill therefor by the City.

(5) The Company within (15) days of the receipt of the bill referred to in the above subsection (4) of this Section, shall reimburse the City for any expense the City may incur in repairing, refilling, paving or resurfacing any cut or excavation or other such damage that may be made in any Public Way.

(6) The Company shall not open, disturb or encumber at any one time any more of any Public Way than may be necessary to enable it to proceed with advantage in laying, replacing or repairing the Company's gas mains and pipes; nor shall the Company permit any Public Way so opened, disturbed or encumbered by it in the installation, construction, or repair of its gas mains or pipes to remain open, or the Public Way disturbed or encumbered, for a longer period of time than shall be reasonably necessary. In all cases where the Company has excavated, disturbed or encumbered any Public Way, the Company shall take all precautions necessary or proper for the protection of the public and shall maintain adequate warning signs, barricades, signals, and other devices necessary or proper to adequately give notice and warning to the public of the existence of any such conditions.

(7) Whenever the City or the North Carolina Department of Transportation or its successor shall grade or regrade any Public Way, in, along, under or across which the Company shall have installed any of its gas mains or pipes, it shall be the duty of the Company at the Company's own cost and expense to promptly change said gas mains or pipes so as to conform to the new grade which is then being or has been established by the City.

(8) Whenever the City under normal and reasonable practices shall install or adjust the grade of water mains or services, sanitary sewer mains or services, or storm sewer pipe in a Public Way in which the Company shall have installed any of its gas mains or pipes, it shall be the duty of the Company at the Company's own cost and expense to promptly change said gas mains or pipes so as to conform to the location of the new or adjusted facilities.

(9) Whenever it is necessary to shut off or interrupt service for the purpose of making repairs, adjustments or installations, the Company, unless in case of an emergency, shall do so at such time as will most likely cause the least inconvenience to its customers; and unless such repairs are unforeseen and immediately necessary, it shall make a reasonable effort to notify its customers that an interruption of service will take place. Provided, however, this subsection shall not be deemed to require the Company to schedule repairs, adjustments or installations at times other than during regular business hours.

(10) If the City or the North Carolina Department of Transportation, or its successor, decides to pave or repave a street and gives ninety (90) days prior notice to the Company of the plan to pave or repave such street, then the Company shall perform such work as the Company deems necessary for the extension of new lines or the repair of existing lines within said street prior to the time of the City or the North Carolina Department of Transportation, or its successor, begins paving or repaving the street. If the Company fails to perform such work prior to such street being paved or repaved, the Company shall not excavate in such newly paved or repaved street for a period of three (3) years following the completion of paving or repaving, unless such excavation is authorized by the City, or such excavation is necessary to deal with an emergency or to comply with the requirements of subsection (4) of Section 6 of this franchise.

(11) The Company shall be responsible for all measures required or needed to prevent soil erosion and to comply with erosion control regulations of the City, including reseeding grass areas.

SECTION 9. Inspection. The City shall have the right to inspect all construction and installation work performed by the Company pursuant to this franchise and to make such other inspections as it shall deem necessary to insure compliance with this franchise by the Company.

SECTION 10. Indemnification of City. The Company shall indemnify and hold harmless the City, its officers and employees from any losses, cost, expenses, claims, judg-

ments, suits or demands resulting or in a manner arising from the action or inaction of the Company in constructing, operating or maintaining a gas system, in carrying on the business of selling, transmitting or distributing gas, or in exercising or failure to exercise any right or privilege granted by this franchise, SAVE AND EXCEPT for any such losses, costs, expenses, claims, judgments, suits or demands resulting or in any manner arising from, or contributed to, by the negligent action or inaction of the City or any of its officers, agents or employees. Provided, however, the Company's indemnification at any time is conditioned on the City having notified the Company in writing of any such claim demand or suit within such time as to give the Company reasonable opportunity to resolve or defend the same in behalf of the City. In the event of such notification, the Company shall have the sole and full responsibility for the resolution and defense of any such claim, demand or suit in behalf of the City, and the City shall cooperate fully with the Company in any such undertaking. If after proper notification, the Company fails to undertake any such responsibility, the City shall have the right to resolve or defend any such claim, demand or suit at the expense of the Company.

SECTION 11. Rules and Regulations. The Company may from time to time declare, make, and enforce such rules and regulations as shall have been fixed or approved by the Commission as to the sale or distribution by it of gas to any of its customers in the City.

SECTION 12. Rates. The rates to be charged for gas at all times shall be such as are fixed and approved by the Commission or by such successor public authority as from time to time may be lawfully constituted for such purpose.

SECTION 13. Plat of Gas System. The Company shall maintain maps or plats of its Gas System within the area covered by this franchise. Such maps or plats shall be maintained in the Company's offices in Raleigh, North Carolina, and the City shall have access to the same during any regular business hours of the Company.

SECTION 14. Bankruptcy. Should the Company go into bankruptcy or into the hands of a receiver or other court officer, either voluntarily or involuntarily, or reorganize or merge or consolidate with any other Company, or should the properties and business of the Company be foreclosed or sold to satisfy any lien or indebtedness or obligation of the Company, the interest, rights, and remedies of the City in respect to said properties and operations shall not be affected or prejudiced, and any receiver, assignee, trustee, purchaser, or successor, whether by operation of law or otherwise, so succeeding to or representing the interest or position of the Company in respect to the property shall be bound by this Ordinance and the terms and provisions hereof, and shall be bound to carry out and perform the obligations and duties imposed upon the Company by this Ordinance.

SECTION 15. Preferential or Discriminatory Practices Prohibited. The Company shall not make or grant any unreasonable preference or advantage to any person, nor subject any person to any unreasonable prejudice or disadvantage in its exercise of the right and privileges granted by this franchise, provided however that nothing in this franchise shall be deemed to prohibit the establishment of a graduated scale of charges and classified rate schedules consistent with G. S. 62-140 to which any customer coming within such classification would be entitled.

SECTION 16. Taking Part in Litigation. The Company shall not object to the City taking part at its option, by intervention or otherwise, in any suit, action, or proceedings instituted by or against the Company in which any judgment or decree or act can be rendered foreclosing any lien on any of the Company's property, or affecting the rights, powers, or duties of the company to do or not to do anything which by this Ordinance it is obligated or may be required to do or not to do, or to taking such steps in any such proceedings as the City may deem essential to protect the interest of the public or the City.

SECTION 17. Sale, Assignment or Lease of Gas System or Franchise. No sale, transfer, assignment, or lease of the Company's Gas System, or any part thereof, nor any transfer of any rights under this franchise, shall be effective until the purchaser, assignee, or lessee has filed in the office of the City Clerk an instrument, duly executed by the Company and by any such purchaser, assignee or lessee, reciting the fact of such sale, transfer, assignment, or lease, and the acceptance and agreement by such purchaser, assignee or lessee to perform the terms of this franchise. This section shall not apply to the conveyance or assignment by the Company of a security interest in any of the Company's Gas System for the purpose of securing payment of any of the Company's present or future obligations, not to any sale in default of the terms of any such security interest.

SECTION 18. Forfeiture. In the event the Company violates or fails to perform any of the provisions of this franchise and within sixty (60) days after receipt of written notice of the same from the City has failed to cure or remedy, or to have begun reasonable steps to cure or remedy, any such violation, failure or default, then the Council may give at least ten (10) days written notice to the Company to appear at a hearing before the Council to show cause why this franchise should not be revoked. If at such hearing the Council should determine that the Company's violation, failure or default has been so substantial, repetitive or flagrant that this franchise should be revoked, then upon such determination the Council may revoke and terminate this franchise. Provided however, the Company may file with the City

within ten (10) days after any such determination the Company's election to appeal such determination to the proper North Carolina Court, whereupon the City and the Company agree that such court shall hear and determine such matter de novo. A non-curable violation or default shall not be grounds for revocation and termination, unless such non-curable violation or default shall be determined to be one of a substantial and material series of violations or defaults over the preceding six months.

SECTION 19. Franchise Tax. In the event present Section 105-116 of Article 3, Chapter 105, of the General Statutes of North Carolina is so amended or repealed, or any other North Carolina statute is enacted, by virtue of which the City shall otherwise have the legal authority to fix a reasonable franchise, license or privilege tax for the franchise granted by this Ordinance, the City shall have the right to the extent it has the legal authority to do so, to amend this Franchise Ordinance fixing such equitable franchise tax to be paid thereafter by the Company to the City.

SECTION 20. Nondiscrimination Agreement. In consideration of the signing of this agreement, the parties heretofore themselves, their agents, officials, employees and servants hereby agree not to discriminate in any manner on the basis of race, color, creed or national origin with reference to the subject matter of the contract or this agreement, no matter how remote. The parties thereto further agree in all respects to conform with the provisions and intent of the City of Raleigh Ordinance 1969-889, as amended. This provision shall be incorporated into this agreement for the benefit of the City of Raleigh and its residents and may be enforced by action for specific performance, injunctive relief or other remedy as by law provided; this provision shall be construed in such a manner as to prevent and eradicate all discrimination based upon race, color, creed, or national origin.

SECTION 21. Separability. Should any court of competent jurisdiction declare any part, term or provision of this franchise illegal, unauthorized or in conflict with any law of the United States or the State of North Carolina, or to be in conflict with any valid rule or regulation duly promulgated by any agency or regulatory body of the United States or the State of North Carolina, the remaining portions or provisions of this franchise shall not be affected thereby.

SECTION 22. Certified Copy to Company. The City Clerk shall deliver to the Company an executed or conformed copy of this Franchise Ordinance and of the Company's written acceptance thereof, certified as follows:

"Certified to be a true and exact copy of Ordinance as duly adopted by the City Council of the City of Raleigh, North Carolina, on the 18th day of December, 1984, and of the acceptance thereof by Public Service Company of North Carolina, Incorporated. This 18th day of December, 1984.

(City's Seal)

_____

City Clerk, City of Raleigh
North Carolina

SECTION 23. Effective Date; Acceptance by Company; Term. This Franchise Ordinance shall be effective from and after the 18th day of December, 1984, provided the Company shall have executed the written acceptance there of at the end of this Ordinance, and shall exist and continue for a period of thirty (30) years thereafter.

Adopted by the Council the 18th day of December, 1984, after passage at two regular meetings of the Council.

Attest:

Avery C. Upchurch
Mayor

Gail G. Smith
Clerk

APPROVED AS TO FORM

BY: Thomas A. McCormick
City Attorney

NORTH CAROLINA
WAKE COUNTY

This is to certify that on the 28th day of December, 1984, before me personally came Gail G. Smith, with whom I am personally acquainted, who, being by me duly sworn, says that she is the City Clerk and Avery C. Upchurch is the Mayor of the City of Raleigh, the municipal corporation described in and which executed the foregoing; that she knows the corporate seal of said municipal corporation; that the seal affixed to the foregoing instrument is said corporate seal, and the name of the municipal corporation was subscribed thereto by the said City Clerk and that the said corporate seal was affixed, all by order of the governing body of said municipal corporation, and that the said instrument is the act and deed of said municipal corporation.

Witness my hand and official seal this the 28th day of December, 1984.

Ann Adams
Notary Public

(SEAL)

My Commission Expires: April 15, 1985

Acceptance of Franchise

Public Service Company of North Carolina, Incorporated, does hereby accept and approve for foregoing Franchise Ordinance and all of its terms and conditions, and in consideration of the benefits and privileges granted to it does hereby agree to abide by, carry out, observe, and perform all of the obligations and things therein provided to be carried out and performed by it.

This the 18th day of December, 1984.

Attest:

PUBLIC SERVICE COMPANY OF NORTH CAROLINA, INCORPORATED

K. R. Hoffman
Senior Vice President & Secretary

BY: Charles E. Zeigler
Chairman, President & Chief Executive Officer

NORTH CAROLINA
GASTON COUNTY

This is to certify that on the 18th day of December, 1984, before me personally came Kermit R. Hoffman, which whom I am personally acquainted, who being by me duly sworn, says that he is the Senior Vice President and Secretary, and Charles E. Zeigler is the Chairman, President, and Chief Executive Officer of Public Service Company of North Carolina, Inc., the corporation described in and which executed the foregoing instrument; that he knows the common seal of said corporation; that the seal affixed to the foregoing instrument is said common seal, and the name of the corporation was subscribed thereto by the said Secretary, and that the said Secretary and President subscribed their names thereto, and said seal was affixed, all by order of the Board of Directors of said corporation, and that the said instrument is the act and deed of said corporation.

Witness my hand and official seal this the 28th day of December, 2984.

Phyllis M. Barbour
Notary Public

(SEAL)

My Commission Expires: 11/13/89

LAKEMONT LAKE DRAINAGE DISTRICT STUDY - INFORMATION RECEIVED - ITEM REMOVED FROM REAL ESTATE COMMITTEE AGENDA

On April 3, 1984, the Council requested a feasibility study of a special storm drainage tax district around Lakemont Lake. A report on this subject was included in the Agenda packet. The report concludes that there is insufficient justification for a special tax district to provide for the repair or removal of the Lakemont Lake Dam. The Lakemont Lake item is also in the Real Estate Committee.

Recommendation: That the Council determine that no further municipal government action is warranted on this issue. City Manager Benton indicated Administration would recommend that the City Council not pursue this item any further and that the matter be removed from the Real Estate Committee Agenda. Mr. Walters moved Administration's recommendation be upheld. His motion was seconded by Mr. Keller and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

PARKING SPACES - PERMIT FOR SPECIAL USE - CODE CHANGES AUTHORIZED

With the increase in building construction in the downtown area, a problem has been encountered with the current process of permitting individuals to use on-street parking to aid in the construction actions. The problems involve enforcement and the time required to process the requests. A revised process has been developed which would:

- Place Administrative responsibility with the Inspections Department which would be more knowledgeable of the need for such use of spaces for construction activities.
- Place responsibility for obtaining the barricade with the applicant.
- Provide a copy of permit to parking enforcement staff
- Eliminate the $2.00 per space per day fee which is more of a nuisance than revenue producer.

Amendments to the Code are necessary to make these changes. A report and a copy of the proposed Code changes were included in the Agenda packet.

Recommendation: That the Council approve the proposed changes to the City Code. Ms. Cates moved Administration's recommendation be upheld. Her motion was seconded by Mr. Walters and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

ORDINANCE NO. (1984) - 452

AN ORDINANCE REVISING THE PROCEDURES FOR RESERVING ON-STREET PARKING SPACES FOR CONSTRUCTION ACTIVITY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA as follows:

Section 1. §11-2207 of the Raleigh City Code is hereby repealed, rewritten and reenacted to read as follows:

"Sec. 11-2207. Exceptions to parking time limitations and to required activation of parking meters by deposit of coins; parking space encumbrance.

(a) When parking or loading on the streets of the City is prohibited for longer than the time limits stated in this Chapter and/or when parking is permitted in metered parking spaces only when the operator of a vehicle, upon entering the parking meter space, immediately activates or causes to be activated the timing mechanism on the meter in accordance with this Chapter, the operator of a motor vehicle or other person may park on or otherwise encumber the parking areas, or metered spaces or loading zones on the streets of the City for periods of time longer than otherwise permitted by this Chapter and without activating any parking meter or meters when the following conditions have been satisfied and when a permit has been issued for the encumbrance of a parking area.

(b) Upon application to and approval of the Inspections Director or his/her designee, any of the following persons may obtain a permit at no charge for the encumbrance of a parking space or spaces by the placement of standard traffic type signs, barricades, or cones in metered or unmetered spaces:

(1) Persons requiring temporary parking space immediately adjacent to residential, commercial or industrial buildings for loading or unloading of building or office equipment or personal property and who satisfy the review agent that the use of the parking spaces is necessary in order to move the equipment or property.

(2) Persons having a permit from the Inspections Department in connection with any building construction or demolition project and who satisfy the review agent that the use of the parking space(s) is necessary to facilitate the project.

(3) Persons having a permit from the Inspections Department to perform any plumbing, electrical, heating, sign hanging or other project in any public way or on premises adjacent to any street, alley, or sidewalk, and who satisfy the review agent that the use of the parking space(s) is necessary to facilitate the project.

(4) Persons engaged in any public improvement under contract with the City or engaged in any work under the supervision of the City Engineer, who have a certification from the City Manager that the use of the parking spaces is necessary to facilitate the project.

(5) Representatives of the Wake County Board of Elections, upon request that additional parking is required on an election day at one (1) or more polling places to accommodate voters.

(c) (1) Persons licensed as funeral directors and holding services in any funeral home or church shall be exempted from making application and receiving permits provided for by this section so long as suitable markings are used to indicate to the public that a funeral is in progress.

(2) Public Utilities engaging in construction and maintenance work in/or adjacent to any public way, that have a right-of-way permit for such work shall be exempted from making application and receiving permits provided for by this section so long as suitable markings are used to indicate to the public that such work is being undertaken."

Cross References: Temporary parking restrictions by the Chief of Police, §11-2181.

Section 2. §11-2209 of the Raleigh City Code is hereby repealed, rewritten, and reenacted to read as follows:

"Sec. 11-2009. Contents of Application; form.

The following rules and regulations shall govern the making o the application or the issuance of any permit here and before authorized?

(1) Written Authorization

The application for a permit shall be made in writing on a form supplied by the Inspections Department. The application will show: the name of the business or applicant's name; the reason for the encumbrance of the parking space or spaces; any certification required by this section; and the location of the proposed activity and the number of spaces desired to be encumbered and the day or dates needed and such other information as may be required by the Police Department.

(1) Exhibit of Permit

In all cases, any permit issued hereunder shall be displayed by the permittee (or his agent) at the location of the parking spaces authorized to be encumbered and shall be exhibited to any officer or employee of the City upon demand."

Section 3. §11-2210 of the Raleigh City Code is hereby repealed, rewritten and reenacted to read as follows:

"Sec. 11-2210. Issuance of Permits.

When the application has been approved by the Inspections Department, a permit will be issued for the date or dates requested; provided, however, that no permit issued hereunder shall be for a period in excess of thirty (30) days, and provided further, nothing herein contained shall prohibit this reapplication and reissuance of permits for successive periods not to exceed thirty (30) days each. The holder of the permit shall be authorized to place traffic type signs, barricades, or cones at the metered or unmetered parking spaces to secure or maintain these spaces during the term of the permit.".

Section 4. Subsections (a)(3) and (a)(4) of §11-2181 of the Raleigh City Code are hereby repealed in their entirety.

Section 5. All ordinances or portions of ordinances in conflict with this ordinance are hereby repealed.

Adopted: 12/4/84

ASBES

TOS STUDY - INFORMATION RECEIVED - NO ACTION TAKEN

In October 1983, the Council approved retaining an engineer to examine City owned/operated buildings for the presence of asbestos. A copy of the report and a summary was included in the Council Members' Agenda packet. In summary, "The City of Raleigh is fortunate in that its buildings as a group have very little friable asbestos containing materials." While several locations were identified, the actions needed are not substantial and within the existing management resources. A management plan for handling these situations has been developed and will be implemented.

Recommendation: This is provided to the Council for information. No additional Council action is required at this time. Mayor Upchurch indicated this report is for information only and will come back to the Council in the regular budget information. Ms. Block indicated she would hope that Administration would go ahead with implementation of this program and would ask staff to come back to the Council immediately if funding or other Council action is needed.

UTILITY DELINQUENCY FEES - CODE CHANGES AND FEE SCHEDULES ADOPTED

The present delinquency rate is greater than ever before. Our present policies do not allow recovery of costs for handling these cases and do not provide sufficient deterrents. An analysis has been made of delinquency charges by other utilities and a copy of that report was included in Council Members' Agenda packet.

Based on the need to recover costs of handling and provide a structure that deters repetitive delinquent accounts, a revised structure has been developed. Included in the Council Members' Agenda packet were proposed City Code changes and a schedule of fees.

Recommendation: That the Council adopt the Code revisions and the fee schedule. Mr. Calloway moved Administration's recommendation be upheld. His motion was seconded by Mr. Congleton and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

ORDINANCE NO. (1984) 453

AN ORDINANCE TO AMEND CHAPTER 2 OF THE RALEIGH CITY CODE ENTITLED FINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Section 2-3004 be amended and made to read as follows:

Sec. 2-3004. Disconnection and reconnection fees.

If a charge for water service becomes delinquent and a trip is made for the purpose of discontinuing the service, during regular working hours, after regular working hours or on a holiday, the meter is removed or the water service is disconnected at the main, charges shall be assessed for such trips, meter removal or service disconnection as fixed from time to time by the City Council, a schedule of which shall be on file in the office of the Finance Director and these fees shall be collected under and by virtue of and in accordance with the laws of the state, the Charter of the City and the ordinances of the City applicable thereto and the resolutions and other actions of the Council. If a charge for sewer only service becomes delinquent and a trip is made for the purpose of collecting such charge, during regular working hours, after regular working hours or on a holiday or if such service is disconnected, fees shall be assessed for such trips or disconnection as fixed from time to time by the City Council, a schedule of which shall be on file in the office of the Finance Director and these fees shall be collected under and by virtue of and in accordance with the laws of the state, the Charter of the City and the ordinances of the City applicable thereto and the resolutions and other actions of the Council. In the event such delinquent charges and fees are not paid in full when due and payable, thereafter the City, its agents or employees may discontinue or cause to remain discontinued such water or sewer service to the property for which payment has not been made in accordance with the law. Subject to review by the Council in unusual and exceptional situations involving health and medical causes, the discontinued services shall not be reinstated until payment of the water or sewer account in full is made including any disconnection, reconnection, meter removal or main disconnection charges.

Section 2. That Section 2-3005 be added to the Code to read as follows:

Sec. 2-3005. Water meter test fees.

If a customer disputes the accuracy of any charge for service and requests that the meter be removed for flow testing and such meter tests within the industry tolerance ranges as valid, there shall be assessed a fee for such tests as fixed from time to time by the City Council, a schedule of which shall be on file in the office of the Finance Director. Such fee shall become due and payable upon meter reinstallation and shall be collected under and by virtue of and in accordance with the laws

of the state, the Charter of the City and the ordinances of the City applicable thereto and the resolutions and other actions of the Council. In the event such charges are not paid in full when due and payable, thereafter the City, its agents or employees may discontinue or cause to remain discontinued such water service to the property for which payment has not been made in accordance with the law. subject to review by the Council in unusual and exceptional situations involving health and medical causes, the discontinued services shall not be reinstated until payment of the water or sewer account in full is made including the meter flow test charge.

Section 3. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. That this ordinance become effective January 15, 1985.

Adopted: 12/4/84

UTILITY BILL - AJINOMOTO USA, INC. - ADJUSTMENT AUTHORIZED

During the past year, the City staff has been working with Ajinomoto USA, Inc., on their cost of utilities. They are the largest single utility customer; water and sewer. One of their problems was the cost of sewer service. Since their production process "captured" a substantial amount of the water, the normal ratio of water usage and wastewater discharge was not applicable. However, we had no alternative since they did not have a wastewater metering system. Administration encouraged the company to install a wastewater metering system and they have done so. The meter has been in operation for more than six months and an analysis indicates that the effluent equals about 60% of the influent (water). Administration has tried to work closely with this very important and complex corporate customer to help them deal with their utility costs. Since they have installed the new equipment and now have an accurate data base, it is proposed that this data be used to provide a rebate on sewer charges for 1983 and the first five months of 1984 which would total $125,743 which is the differential costs between the old method of calculation based on water usage and the method using the ratio from the wastewater meters.

Recommendation: That the City Council approve granting a rebate in the form of a credit on future billings in the amount of $125,743. Mr. Walters moved Administration's recommendation be upheld. His motion was seconded by Ms. Babb. Ms. Block questioned in making a retroactive adjustment such as this, if we would not be setting a bad precedent. City Manager Benton indicated he did not feel so as this is a unique situation because of size, etc. He pointed out in 1983, Ajinomoto's sewer bill totaled some $240,000 and Ajinomoto is our largest utility customer. The motion as stated was put to vote and passed unanimously. The Mayor ruled the motion adopted.

FINANCIAL REPORT - REFERRED TO LAW AND FINANCE COMMITTEE

The Annual Financial Report of the City has been completed for the year ended June 30, 1984, and copies were presented to all members. It is appropriate for Council to review and accept this report. In the past, Council has had one of its committees make this review and subsequent report back to Council.

Recommendation: It is recommended that the review of the Annual Financial Report be referred to the Law and Finance Committee. City Manager Benton indicated this financial statement is provided by our outside auditors and this report continues to confirm the sound financial condition of the City. He indicated our long-term debt and our financial condition continues to be in good shape and the City does have reason to be proud of this. Mr. Congleton moved the FY 83-84 Financial Report be referred to the Law and Finance Committee. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

ADDENDUM

ROAD BOND - CERTIFICATION OF RESULTS OF ELECTION - RESOLUTION ADOPTED

City Manager Benton presented Council Members with copies of the certified results of the election relating to the bond issue indicating the City Council would need to adopt the resolution certifying the results and direct the Clerk to publish the results in the newspaper. Mr. Walters moved adoption of the resolution and certification as recommended. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

RESOLUTION NO. (1984) 671

WHEREAS, the City Council has considered the Certificate of Canvass of the Wake County Board of Elections canvassing the referendum held for the City of Raleigh on November 6, 1984 and certifying the result there of to the City Council and has canvassed the result of said Special Election; NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of Raleigh that it be and hereby is certified and declared that the number of voters registered and qualified to vote at said Special Election was 104,838.

FURTHER RESOLVED, that it be and hereby is certified and declared that the total number of voters who voted "YES" in answer to the question,

> "SHALL the order authorizing $20,000,000 of bonds secured by a pledge of the faith and credit of the City of Raleigh to pay capital costs of providing streets and sidewalks within and without the corporate limits of the City, including paving, grading, resurfacing and widening public streets, constructing and reconstructing sidewalks, curbs and gutters, culverts and drains, necessary landscaping with respect thereto and including the acquisition of land or rights-in-land, and a tax to be levied for the payment thereof, be approved¶?",

was 34,787. The total number of voters who voted "NO" in answer to such question was 10,391.

FURTHER RESOLVED, that a statement substantially in the form hereinafter set forth declaring the result of said election shall be prepared, delivered to the City Clerk for filing and recordation and published in accordance with law:

UTILITIES CAPITAL PROGRAM - WATER LINE ON POOLE ROAD - ADDITIONAL FUNDS APPROPRIATED

City Manager Benton indicated the City made an accounting error of $6,030 relating to the water line project in Poole Road. He indicated we need to make an appropriation of $6,030 from Council Reserve to complete the project. Ms. Babb moved approval of the appropriation as outlined. Her motion was seconded by Ms. Cates and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Resolution 446 TF 10.

REPORT AND RECOMMENDATION OF THE CITY ATTORNEY

None.

REPORT OF MAYOR AND COUNCIL MEMBERS

GROUP CARE HOMES - STATUS REQUESTED

Ms. Babb requested the City Attorney to provide the Council with a status report on Haven House on Courtland Drive with Mr. Walters questioning the status of the one on Jones Street. City Attorney McCormick indicated he will provide that information to the Council.

PERSONNEL - POLICE CONDUCT - STATUS REPORT TO BE PROVIDED

Ms. Babb indicated some few meetings back, the Mayor requested Administration to provide the Council with a report relating to police conduct. City Manager Benton indicated we are pretty close to finishing that report and it would be submitted within the next few months. The item was received as information.

PERSONNEL - PLANNING AND INSPECTIONS - REFERRED TO COMPREHENSIVE PLANNING COMMITTEE

Ms. Babb indicated Council Members received a letter from Bill Mullins expressing concern that there seems to be a bogging down effort in the Planning and Inspections Department related to the overall workload. She asked that this concern be referred to the Comprehensive Planning Committee to look at what the departments are doing and if there needs to be additional efforts. Without objection, the item was referred to the Comprehensive Planning Committee.

PERSONNEL - INFORMATION ON RIF - COMMENTS RECEIVED

Ms. Babb indicated at a recent meeting, she requested information on employees laid off by the City and whether we have an official RIF. She indicated the City Manager did provide that information and she is pleased that we were able to place all of the employees who have been laid off as of a result of Federal Programs pointing out there were still two persons who had been laid off and not re-employed. She indicated she wanted to make sure Administration was making every effort that these former City employees get considered in job openings. The comments were received.

TRAFFIC - NO PARKING ON PRINCETON STREET - REFERRED TO ADMINISTRATION

Mr. Congleton indicated currently there is "no parking" on portions of Princeton Street. He asked that Administration look at this to see if that prohibition could be removed. Without further comments, the item was referred to Administration.

ATLANTIC AVENUE - STATUS REPORT RECEIVED

Mr. Congleton questioned the Atlantic Avenue project with City Manager Benton indicating it is hoped that we will have a couple of ribbon cuttings on this project

within the next few weeks. He indicated in addition, the railroad underpasses are under contract but that will take some time to finish. It was indicated the railroad runarounds should be completed within ten days and the railroad hopes to have the temporary tracks down by February. In response to questioning, it was pointed out it would be November or December of 1987 before Atlantic Avenue is opened all the way.

COUNCIL MEETING - CONGLETON AND CATES EXCUSED

Mr. Congleton requested to be excused from the night portion of the Council Meeting. Ms. Cates asked to be excused from the December 18 Council Meeting. Without objection, it was agreed that the requests would be granted.

EAST STREET - NO PARKING RESTRICTIONS REMOVED - TRAFFIC CONTROL PROBLEMS - REFERRED TO PUBLIC WORKS COMMITTEE

Mr. Walters indicated as a point of personal privilege, he would like to add Al Johnson to Request and Petitions of Citizens during the night portion of the meeting. He pointed out that recently, the Council adopted an ordinance establishing no parking on portions of East Street. He indicated Council Members have received a petition and a letter signed by most of the property owners and residents along the street who are requesting that this no parking restriction be removed. He indicated he did not feel that there would be any problem with that as he understands the Department of Transportation conceded to their request for the no parking restrictions as the neighborhood felt that that is all that could be done to take care of the situation. Mr. Walters moved that the no parking restrictions on East Street be removed and that the matter be referred to Public Works Committee to look at traffic controls in the area. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

ORDINANCE NO. (1984) 454

AN ORDINANCE TO AMEND THE TRAFFIC SCHEDULE OF THE CITY OF RALEIGH

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Traffic Schedule No. 13 entitled "NO PARKING" be amended by deleting the following:

East Street, east side, between Polk Street and Oakwood Avenue

Section 2. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. That this ordinance shall become effective December 9, 1984.

Adopted 12/4/84

MAYOR PRO TEM - TRAVEL TO AUSTIN - APPROVED

Mr. Walters indicated he plans to go to Austin, Texas, the end of the week to look at their plan to manage growth, etc. He indicated he would be leaving on December 5 and returning on December 7 and he would request that this travel be at City expense. Ms. Cates moved that the Mayor Pro Tem be authorized to travel at City expense to Austin, Texas. His motion was seconded by Ms. Block and put to a roll call vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

TRUCK ROUTES - POLK AND PERSON STREETS - REFERRED TO ADMINISTRATION

Mr. Walters indicated there is a sign on Person Street that denotes a truck route. He indicated, however, that sign is beyond the end of the truck route and trucks get there and have to turn around. He indicated he feels that the notification of the end of the truck route should be before the intersection of Polk and Person Streets. Without objection, the matter was referred to Administration.

SISTER CITY COMMITTEE - FUNDS AUTHORIZED

Mr. Walters indicated the Sister City Committee is working on a film presentation to explain a proposal for the area. He indicated he would like permission for the Sister City Committee to spend up to $500 in having this film prepared. On behalf of the Sister City Committee, he moved that this authorization be granted. His motion was seconded by Ms. Cates and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

ARENA - REPORT TO BE MADE

Ms. Cates indicated she has been hearing or reading a lot about plans for an arena in the City of Raleigh. She indicated she feels that plans might be snowballing and as

of this date, the City Council has not been involved in any discussions, reports, etc. She indicated the Council has not discussed whether Raleigh needs an arena, if there is a public need, if public money is going to be utilized or what. She stated she would like to have a report to be made to the City Council. City Manager Benton indicated the Arena Committee plans to bring a report to the Council in January.

HOUSE NUMBERS - COMMENTS RECEIVED

Ms. Cates questioned if we have an ordinance requiring house numbers to be placed on all houses in the City of Raleigh with it being reported that we do. She indicated she feels that we need to step up our efforts to enforce this ordinance.

BUS ROUTES - CRACKS AT 904 COLEMAN STREET - REFERRED TO ADMINISTRATION

Mr. Calloway indicated a Mrs. McCrary lives at 904 Coleman Street in a small cinder block house. He indicated Mrs. McCrary has cracks in the walls of her house and she feels they are the result of a bus route by the house and he would like for Administration to check into this. Without objection, the item was referred to Administration.

LEAF PICKUP SCHEDULE - COMMENTS RECEIVED

Mr. Calloway indicated the City has undertaken a new schedule for picking up leaves on the City streets. He indicated he would hope that we have some system of rotating the areas in which leaves will be picked up pointing out many areas have already had the pickup but the leaves were late falling this year and now they have to rake them and bag them. The comments were received.

REPORT OF CITY CLERK AND TREASURER

MINUTES - NOVEMBER 20 AND 30 - APPROVED AS PRESENTED

The City Clerk indicated Council Members received copies of the minutes of the November 20, 1984, Council Meeting and joint hearing with the Planning Commission and the November 30, Council Meeting. There being no corrections, Mayor Upchurch announced the minutes approved as presented.

SURPLUS PROPERTY - LOTS 343 AND 344 MULBERRY STREET - RESOLUTION AUTHORIZED AND THE SALE ADOPTED

In mid-1983, the City Council declared Lots 343 and 344 on Mulberry Street surplus property and recommended that the property be sold through negotiated offer upset bid method with a minimum bid of $4,000. Negotiations have recently taken place and an offer received which was upset, advertised, etc. It is recommended that a resolution be adopted authorizing the sale of property to George H. and Marjorie W. Hagen for $4,800. Mr. Keller moved adoption of the resolution authorizing the sale as recommended. His motion was seconded by Mr. Calloway and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Resolution 666.

ANNEXATION - GREYSTONE DAY-CARE AND HARTFORD HILLS - REFERRED TO CITY CLERK TO CHECK SUFFICIENCY AND SET PUBLIC HEARING

The City Clerk indicated she had received a petition for the contiguous annexation of property known as Greystone Day-Care. She pointed out this covers approximately five acres located on Sawmill Road. She indicated in an addition, she had received a petition for the contiguous annexation of Hartford Hills which is approximately 21 acres on Duraleigh Road. Mr. Congleton moved that the Clerk be directed to check the sufficiency of the petitions and schedule a public hearing if the petitions are found to be sufficient. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

ADJOURNMENT

There being no further business, the meeting adjourned at 3:25 p.m. to be reconvened at 7:00 p.m.

Gail G. Smith
City Clerk and Treasurer

jj/CC5/1

The City Council of the City of Raleigh met in a regular reconvened meeting on Tuesday, December 4, 1984, at 7:00 p.m. in the Council Chamber of the Municipal Building with the following present:

Mayor Upchurch, Presiding
Ms. Babb
Mrs. Block
Mr. Calloway
Ms. Cates
Mr. Congleton - Absent and Excused
Mr. Keller
Mr. Walters

Mayor Upchurch called the meeting to order indicating Mr. Congleton had been excused during the afternoon portion of the meeting. The following items were discussed with action taken as shown.

ANNOUNCEMENTS

WAKE FOREST ROAD - RIBBON CUTTING ANNOUNCED

Mayor Upchurch indicated at 11:00 a.m. on Thursday, December 6, there would be a ribbon cutting opening the new section of Wake Forest Road between Glascock Street and Brookside Drive. He indicated he hoped the City would be cutting many ribbons in the months and years ahead for new street facilities.

ROAD BOND REFERENDUM - PUBLIC HEARING ANNOUNCEMENT

Mayor Upchurch reported two weeks from tonight the Council will be holding a special hearing for all citizens to come forward and tell the Council their views on transportation improvements centering around the 25 projects listed in the Bond Referendum. He encouraged citizens to come to this hearing, however, no decisions would be made at the meeting and there would be no debating on each item.

REQUESTS AND PETITIONS OF CITIZENS

USE OF "Z" BLOCK CONCRETE PAVERS - REFERRED TO PUBLIC WORKS COMMITTEE

Richard A. Paton of Paton-Zucchino and Associates, representing Crescent Development Company was present requesting permission to pave entrances to Oxford Park Residential Development with "Z" Block Concrete Pavers.

Mark Sexton, representing Paton-Zucchino and Associates was present at the meeting noting he was representing the owner/developer of Oxford Park Residential Development. He explained they would like permission to use this special paving material at the entrance to Oxford Park. He indicated the installation would be done according to City specifications and the construction detailing has been approved by Joe Beane of the Engineering Department. In response to questioning, he indicated the "Z" Block is made of concrete and is the approximate same size and shape of bricks and is an interlocking type paver material.

City Manager Benton reported this has not been approved by the Engineering Department and in checking it, Administration would like an opportunity to review the specific plans before making a recommendation to deviate from standards for private streets.

Without objection, this item was referred to the Public Works Committee.

SUMMERWOOD TOWNHOMES - REQUEST FOR RECTIFYING DAMAGES - REFERRED TO PUBLIC WORKS COMMITTEE

A representative of Summerwood Townhomes Association had requested to appear before the Council to investigate and help rectify damages that had been done to their subdivision by an adjacent developer.

Mike White, 3828 Summerwood Court, indicated he is Vice President of the Summerwood Townhomes Association and was present representing its members. He indicated he would like to present a petition to the Council signed by their members. At this point, he read the following statement:

> "We the Members of Summerwood Townhomes Association, are requesting that the Raleigh City Council investigate and help us rectify damages that have been done to our subdivision by the irresponsible development of property adjacent to Summerwood Townhomes. Our research has indicated that the City Planning Board has been remiss in the approval of both the sale of the adjacent property and the subsequent plan for its development. We have reviewed our issues with the City Planning Board and The Harlon Group and both have been indifferent.
>
> Our subdivision has been damaged and our health and safety jeopardized in the following areas:
>
> > SunStates Properties, Inc.'s, sale of existing and planned Summerwood Townhome common area to The Harlon Group. This land sale has caused two major problems for Summerwood.

A 20-foot drop-off (i.e. "cliff") has been created within 10 feet of some of the dwelling units.

Summerwood is being forced to obtain a variance to the City Code even though we are an existing and previously approved subdivision.

The Harlon Group has used Summerwood's private drive as a construction entrance and plans to use this drive as a primary entrance to the subdivision that they are developing. Their usage causes the following damages:

The construction traffic has caused accelerated wear and tear on our drive. Summerwood's private drive was not designed to accommodate heavy equipment and its budget is not structured to accommodate unplanned road repair.

The appearance and convenience of our drive has been damaged by the accumulation of mud and rock caused by the construction traffic.

The Harlon Group's planned use of Summerwood's private drive as a permanent access road to their subdivision will compromise our existence as a privately owned and unique townhome neighborhood. This usage will also create large and unaccountable road maintenance expenses, jeopardize our safe access and egress to and from our homes, and result in increased vehicular noise and activity.

Summerwood Townhomes Association recommends that the following actions be taken to rectify the property damage and subsequent degradation and quality of life style that our members have been subjected to:

Any construction within 30 feet of existing Summerwood Townhomes buildings be prohibited and all existing plans for construction within 30 feet of Building 1 be cancelled in accordance with the City Code.

A well defined and enforceable zoning law be enacted that will ensure that the City of Raleigh will not approve any future development or improvement of adjacent property that would compromise Summerwood's or any other existing subdivision compliance to the current Code.

Any and all easements that allow Summerwood's property to be used for purposes that do not contribute to the development or improvement of Summerwood Townhomes be removed.

All Summerwood landscaping and private drives that were damaged as a result of construction traffic be restored.

The area between Summerwood Townhomes and any adjacent property development be landscaped to provide an adequate buffer between the two properties as intended by the setback requirement in the City Code. The existing personal health and safety hazard created by the 20-foot drop-off be alleviated. All involved parties must agree to the landscaping plan before approval and execution of the plan.

We welcome your support and assistance in this matter and look forward to the opportunity to work with you in resolving this problem."

City Manager Benton indicated the Council had been supplied with a report on this in November and the problem involved transfer of a portion of this property by the property owner who used the phase line of construction as the property line and that is where the problem began to occur. He indicated the City has become more vigilant in this area. He indicated their request extends beyond the Board of Adjustment's perview.

City Attorney McCormick indicated he did not have Mr. Benton's information or memo and indicated he would be glad to look at this as well as the pictures presented if it is sent to a committee.

Ms. Cates indicated she has been out to this area and met with the people and noted it is a bad situation. She indicated it has been some time since The Harlon Group started their construction and indicated she was concerned there would be a considerable drop-off; however, she did not realize this "cliff" would be created. She felt the City should do everything possible to rectify this problem. She indicated Associate City Attorney Botvinick received a letter from Mr. Peck asking for information and indicated she would present this information to the Homeowners Association.

Following discussion, Ms. Cates moved that this item be referred to the Public Works Committee. Her motion was seconded by Mr. Walters and unanimously passed. The Mayor ruled the motion adopted.

ENCROACHMENT - ALLINGER'S KONDITORI - APPROVED WITH CONDITIONS

This was a request from John P. Allinger, representing Allinger's Konditori, 127 West Hargett Street, for permission to enter into an encroachment agreement to allow the existing awning to remain at its present location which encroaches over the City sidewalk.

City Manager Benton indicated there is a canopy installed at this location on Hargett Street and noted it was installed without a permit and does not conform to minimum mounting height. He indicated the Inspections Department has checked this and recommended approval of the request contingent upon the following:

1. That the canopy be remounted at the minimum height of 9 feet clear above the sidewalk.

2. That a proper permit be obtained.

3. That canopy materials conform to the North Carolina Building Code.

4. That a proper encroachment agreement is executed.

Mr. Walters moved approval of the encroachment request subject to the conditions as outlined. His motion was seconded by Ms. Babb and unanimously passed. The Mayor ruled the motion adopted.

UNFIT BUILDINGS AND DWELLINGS UNFIT FOR HUMAN HABITATION

PUBLIC NUISANCE - 317 ROSELLE COURT - ORDINANCE REPEALED

Housing Inspections Administrator Bartholomew reported that Ordinance 434 was adopted on October 16, 1984, declaring property at 317 Roselle Court a public nuisance. He indicated this has now been abated by the owner and it would be appropriate to repeal this ordinance.

Mrs. Block moved adoption of an ordinance repealing this ordinance. Her motion was seconded by Mr. Walters and unanimously passed. The Mayor ruled the motion adopted.

ORDINANCE NO. (1984) 455

AN ORDINANCE REPEALING ORDINANCE NO. (9184) 434 RELATING TO THE PUBLIC NUISANCES ON PROPERTY LOCATED AT 317 ROSELLE COURT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA THAT:

Section 1. That Ordinance No. (1984) 434 is hereby repealed in its entirety inasmuch as the property which is the subject of that ordinance has either been repaired or demolished.

Section 2. That a certified copy of this ordinance be recorded in the office of the Wake County Register of Deeds.

Section 3. This ordinance shall upon adoption.

Adopted: December 4, 1984

UNFIT BUILDING - 441 PARNELL DRIVE - REPEALER ORDINANCE ADOPTED

Housing Inspections Administrator Bartholomew reported the Council adopted Ordinance 440 on November 6, 1984, declaring the dwelling at 441 Parnell Drive, owned by Sally Winston, unfit for human habitation. He reported this dwelling has been repaired and it would be appropriate to repeal this ordinance.

Mrs. Block moved that the Council adopt an ordinance repealing the previous ordinance. Her motion was seconded by Mr. Walters and unanimously passed. The Mayor ruled the motion adopted.

ORDINANCE NO. (1984) 456

AN ORDINANCE REPEALING A PORTION OF ORDINANCE NO. 1984-440 RELATING TO THE PROPERTY OF JENADIOUS AND SALLY WINSTON LOCATED AT 441 PARNELL DRIVE, RALEIGH, NORTH CAROLINA

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA:

Section 1. That part of Ordinance No. (1984) 440 relating to the property of Jenadious and Sally Winston located at 441 Parnell Drive and directing that the dwelling thereon be placarded or demolished is hereby repealed.

Section 2. It is the intent of this ordinance that no other portion of said Ordinance No. (1984) 440 be affected in any manner whatsoever by the adoption of this ordinance.

Section 3. That a certified copy of this ordinance be recorded in the office of the Wake County Register of Deeds.

Section 4. This ordinance shall be effective December 4, 1984.

Adopted: December 4, 1984

MATTERS SCHEDULED FOR PUBLIC HEARING

UNFIT DWELLINGS - 119-121 AND 115-117 NORTH FISHER STREET - WITHDRAWN; 1318 OBERLIN ROAD AND 819½ EAST HARGETT STREET - ORDINANCE ADOPTED EFFECTIVE JANUARY 16, 1985

This was a hearing to consider adoption of an ordinance declaring the dwellings listed on the Agenda unfit for human habitation. The Mayor opened the hearing on each case:

1318 Oberlin Road - Rachel V. Jones. Reverend Calloway explained the owner of this property wants to make the necessary improvements but the residence has been occupied. He noted in talking with Mr. Bartholomew before the meeting he would agree with an extension of time for the improvements. Reverend Calloway moved that an ordinance be adopted declaring the dwelling unfit to become effective January 16, 1985, which would give a 43-day extension. His motion was seconded by Ms. Cates and unanimously passed. The Mayor ruled the motion adopted.

119-121 North Fisher Street - Wayland H. Smith

Housing Inspections Administrator Bartholomew requested that this item be withdrawn from the Agenda as they are 90% to 95% complete with the repairs. Without objection, the item was withdrawn.

115-117 North Fisher Street - Wayland H. Smith

Housing Inspections Administrator Bartholomew reported that this item could also be withdrawn as it is 95% repaired. Without objection, the item was withdrawn.

819½ East Hargett Street - Daisy Freeman

Ms. Freeman's daughter was present at the meeting noting that her mother is deceased. She indicated this house has one roomer remaining and she would like to repair it. She indicated the electrical work has been completed but she would need additional time to make the remaining repairs. Mr. Bartholomew, in response to questioning, indicated he would have no problem with this extension. Reverend Calloway moved the adoption of an ordinance declaring the dwelling unfit to become effective January 16, 1985, giving Ms. Freeman a 43-day extension. His motion was seconded by Ms. Cates and unanimously passed. The Mayor ruled the motion adopted.

ORDINANCE NO. (1984) 457

AN ORDINANCE FINDING THAT THE PROPERTY DESCRIBED HEREIN IS UNFIT FOR HUMAN HABITATION AND DIRECTING THAT A NOTICE BE PLACED THEREON THAT THE SAME MY NOT BE OCCUPIED UNTIL REPAIRED OR DEMOLISHED AS DIRECTED BY THE INSPECTIONS SUPERINTENDENT.

WHEREAS, the City Council of the City of Raleigh finds that the property described herein is unfit for human habitation under the provisions of Part 10, Chapter 6, Article H of the Code of the City of Raleigh, North Carolina, entitled "Housing Code," and that all of the provisions of said Article have been complied with as a condition of the adoption of this Ordinance; and

WHEREAS, said house should not be occupied until repaired to meet the requirements of the Minimum Housing Standards Ordinance, or that the same should be demolished as directed by the Director of Inspections or his designee, and should be placarded by placing thereon a notice prohibiting use for human habitation;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the Director of Inspections of the City of Raleigh be and he is hereby authorized nd directed to place a sign on the building at location listed herein containing the legend: THIS BUILDING IS UNFIT FOR HUMAN HABITATION; THE USE OR OCCUPANCY OF THIS BUILDING FOR HUMAN HABITATION IS PROHIBITED AND UNLAWFUL."

Property Owner	Location
Rachel V. Jones	1318 Oberlin Road
Daisy Freeman	819½ E. Hargett Street

Section 2. It shall be unlawful for any person to remove said placard from any building to which it is affixed. It shall likewise be unlawful for any person to occupy or to permit the occupancy of any said building for human habitation.

Section 3. That a copy of this ordinance shall be recorded in the Office of the Register of Deeds of Wake County.

Section 4. This Ordinance shall become effective January 16, 1984, 1985.

Adopted: December 4, 1984

PUBLIC NUISANCE COST CONFIRMATION - VARIOUS LOCATIONS - RESOLUTION ADOPTED; 612 CAROLINA PINES AVENUE - REFERRED TO PUBLIC WORKS COMMITTEE

Mayor Upchurch indicated this is a hearing to consider adoption of a resolution confirming costs for abating nuisances as described below. The Mayor opened the hearing on each case:

612 Carolina Pines Avenue - Jacqueline I. Stancil - $245. Mr. Bartholomew indicated he had received a call from Ms. Stancil's sisters saying she is confined to a hospital and they are requesting additional time to pay this abatement. He indicated they have called several times and would like to pay this but are requesting a 60-90 day extension on the payment.

Mr. Walters moved that the item be referred to the Public Works Committee. His motion was seconded by Reverend Calloway and unanimously passed. The Mayor ruled the motion adopted.

119 North Swain Street - Reca Davis - $94. No one asked to be heard.

1314 Poole Road - Andrew and Bernice Fellers - $114. No one asked to be heard.

410 Lamont Street - William H. and Sarah H. Horne - $113. No one asked to be heard.

1501 Joe Louis Avenue - Emma Burroughs - $112. No one asked to be heard.

Mayor Upchurch closed the hearing.

Mr. Walters moved adoption of a resolution confirming the charges for abating public nuisances at the locations as outlined. His motion was seconded by Reverend Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1984) 667

A RESOLUTION ASCERTAINING AND COMPUTING THE TOTAL COST OF ABATING CERTAIN NUISANCES IN THE CITY OF RALEIGH, CONFIRMING THE SAME AND ASSESSING THE COST OF ABATEMENT AGAINST THE PROPERTY ON WHICH THE NUISANCE EXISTED

WHEREAS, the City Council of the City of Raleigh, pursuant to Chapter 160A of the General Statutes and Sections 2.14(33), (51), 22-51 and Sections 6.35 and 6.36 of the Charter of the City of Raleigh (Chapter 1184 of the 1949 Session Laws of North Carolina as amended) has the authority to prevent, abate and declare unlawful nuisances and to make the cost of said abatement a lien against the premises where the nuisances existed; and,

WHEREAS, pursuant to said Statutes the City Council of the City of Raleigh has adopted Part 12, Chapter 6 of the Code of the City of Raleigh, relating to the abatement of nuisances; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the nuisances as set out herein have been abated at the cost set out herein, pursuant to the Code of the City of Raleigh and more specifically Part 12, Chapter 6.

Section 2. That the City Council of the City of Raleigh hereby confirms the cost of abatement of the nuisances set out herein, pursuant to the General Statutes above referred to and makes the same a lien against the premises as provided in Part 12, Chapter 6 of the Code of the City of Raleigh.

PROPERTY OWNER	LOCATION	ABATEMENT COST
Reca Davis	119 N. Swain Street Lot 21, Block G-2, Map G-1	$ 94.00
Andrew & Bernice Fellers	1315 Poole Road Lot 11, Block B-31, Map B-4 ID 0021829	$114.00

William H. & Sara H. Horne	410 Lamont Street Lot 204, Map 553 ID 0033159	$113.00
Emma Burroughs	1501 Joe Louis Avenue Lot 70, Block B-336, Map B-14 ID 0010456	$112.00

Section 3. That this resolution shall become effective December 4, 1984.

Adopted: 12/4/84

PUBLIC UTILITY PROJECT - WHITE OAK ROAD/LASSITER MILL ROAD - HEARING - RESOLUTION AUTHORIZING PROJECT ADOPTED

This was a hearing to consider the installation of approximately 100 feet of 8-inch sanitary sewer main north of the intersection of White Oak Road/Lassiter Mill Road from existing outfall at Beaver Dam Branch to proposed Millstream Subdivision with assessments on the per lot basis to apply (PU-1984-11).

Chief Engineer Thomas explained the location on a map available at the meeting noting this would allow the developer to pick this line up and tie to the City line.

Mayor Upchurch declared the hearing open.

Mark Thomas, Attorney, representing Hale High School, indicated they would be the most affected by this line. He indicated they were not advised of the action being undertaken by the Council until they received a copy of the resolution. He indicated in regard to assessments, that they are aware the resolution adopted by the Council provides that 100% of the cost should be assessed against the property receiving the improvement. He indicated the school would receive no benefits from this improvement and the line would be installed across their athletic field and in order to link up this section of pipe it would be necessary to acquire 30 feet of easement to come in and construct a ditch for the pipe. He noted this would disrupt the activities of this field. He further noted the field is bounded by a chain link fence and the equipment to install the line would either have to come down an embankment or the fence would have to be removed. He felt the benefit of the pipe will accrue solely to the subdivider requesting the line. He indicated they would like for the Council to provide that the assessments for this improvement be assessed against that subdivider. He indicated since the location of the pipe is a matter of question, there are two places considered by the survey crew and he would recommend that the Council, if this is approved, direct the installation using the shorter of the two routes. He explained one route would go across the middle of the field and would cause a great amount of disruption. The shorter route would go across one corner of the field and would not provide nearly as much disruption to the use of the field, however, at the end of the field there would be great disruption as they would not be able to use it until this installation is complete. He questioned who is going to pay for restoring the field to the present condition noting it has taken the school ten years to build up the sod for this field. He noted the field is on floodplain and there is not a lot of use that it can be put to but it works well for the school's purpose. He felt all the burden is falling on the school which is not receiving any benefit.

Chief Engineer Thomas indicated the installation will come from an existing manhole and go the shorter route over to the property line of Millstream Subdivision. In response to questioning from Mayor Upchurch, Mr. Thomas noted there would be no manhole placed in the playing field. In regard to the sod replacement, he indicated that is no problem and the sod can be cut up and set aside and replaced which is done in a number of cases. City Manager Benton indicated it is the City's responsibility to restore the field to its prior condition noting the City has done work on two of the most prestigious golf courses in North Carolina and restored them to their previous state. Mr. Benton explained the City would have to acquire an easement through the property involved and the vegetation problems would be dealt with at that time. He indicated the City in all projects tries to minimize any negative impacts on property.

Mr. Thomas indicated there would be two lots involved - the Millstream lot and the Hale High School lot. Mr. Thomas explained the school is already served by sewer and, therefore, would receive an exemption for the duplicate service and did not feel they would have any assessments due to this relief.

Mr. Benton explained, in regard to the fence, that the City would be responsible for removing and replacing the fence.

Following discussion, Ms. Babb moved the adoption of a resolution directing the improvement. Her motion was seconded by Ms. Cates and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1984) 668

A RESOLUTION TO DIRECT THAT THE SEWER OF THE CITY OF RALEIGH BE EXTENDED AND TO ASSESS COST AGAINST LAND ASSESSABLE THEREFOR

WHEREAS, by virtue of Article 10 of Chapter 160A of the General Statutes of North Carolina, as amended, the City Council of the City of Raleigh is authorized to direct that improvements be made and the cost thereof assessed against abutting property assessable therefor; and

WHEREAS, a preliminary resolution has been adopted by the City Council and a public hearing thereon duly held;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following improvements be made and the costs thereof assessed against the abutting property pursuant to Article 10 of Chapter 160A of the General Statutes of North Carolina:

PU 1984-11 - Installation of 100 feet± of 8-inch sanitary sewer main north of the intersection of White Oak Road and Lassiter Mill Road from existing outfalls at Beaver Dam Branch to proposed Millstream Subdivision.

Section 2. That 100 percent of the total cost of said improvement which can be assessed according to provisions of Part 8, Chapter 2, Article B, Section 8-2033 et seq. of the City Code by assessed against the property receiving the improvement. Assessment will be made according to the following method: Per lot basis.

Section 3. That property abutting on the street to be improved shall be connected with water mains, sewer mains and gas mains (if gas mains are available) located in the street adjacent to their several premises in a manner as prescribed in the Plumbing Code of the City of Raleigh and the cost thereof shall be specially assessed if the particular lot or parcel of land for and in connection with which said connections are made, as provided by Article 10 of Chapter 160A of the General Statutes of North Carolina.

Adopted: 12/4/84

SIDEWALK ASSESSMENT ROLL 206 - SIX FORKS ROAD - HEARING - CONFIRMING RESOLUTION ADOPTED

This was a hearing to consider confirming costs for installation of sidewalks on Six Forks Road according to charges outlined on Sidewalk Assessment Roll 206, which was adopted by Resolution 1984-648 adopted November 6, 1984.

Mayor Upchurch declared the hearing open.

No one was present to speak on this item, therefore, the hearing was closed.

Ms. Babb moved adoption of a resolution confirming the charges as outlined. Her motion was seconded by Ms. Cates and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1984) 669

RESOLUTION CONFIRMING CITY OF RALEIGH SPECIAL SIDEWALK ASSESSMENT ROLL

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That pursuant to notice of the completion of the assessment rolls hereinafter referred to, and notice of the meeting of the City Council hereinafter referred to, published according to law in The Raleigh Times, a newspaper legally qualified to publish legal advertising and following a public hearing on the allegations and objections of all interested persons appearing and making proof in relation thereto at a meeting of the City Council for that purpose held on the fourth day of December, 1984, at the time and place fixed in accordance with Statute, the City Council of the City of Raleigh does hereby approve, ratify and confirm the assessments heretofore made by Resolution 1984-648 adopted on the sixth day of November, 1984, which assessments appear on "The City of Raleigh Special Sidewalk Assessment Roll 206", against the lots and parcels of land abutting directly on the improvements, according to the extent of their respective frontage thereon, all as shown on said assessment rolls which are hereby incorporated into and made a part of this resolution by reference thereto, the assessment roll being on file in the office of the City Clerk and Treasurer.

Section 2. That from the time of the adoption of the resolution confirming the said assessments, the assessments embraced in the aforesaid assessment roll shall be a lien on the real estate against which the same are assessed, as provided by Statute.

Section 3. That the amount of the assessment shall be payable in cash, or if any property owner should so elect and give notice of the fact in writing to the City of Raleigh in accordance with the provisions of Article 10 of Chapter 160A of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessment in ten equal annual installments, such installments to bear interest at the rate of 6% per annum from the date of confirmation of the assessment rolls, payable annually upon the unpaid balance of the assessment rolls.

Section 4. That the assessments confirmed by this resolution and all payments of principal and interest thereof, shall be recorded in "The City of Raleigh Special Assessment Book" which shall be maintained and kept by the City Revenue Collector, who is hereby charged with the duty of collecting and accounting for all sums of principal and interest assessed by this resolution.

Adopted: 12/4/84

SIDEWALK INSTALLATION - DIXIE TRAIL - HEARING - RESOLUTION DIRECTING PROJECT ADOPTED

This was a hearing to consider installation of sidewalks on the east side of Dixie Trail from Wade Avenue to Church Hill Road.

Chief Engineer Thomas pointed out the location of the proposed sidewalks on a map available at the meeting. Mr. Thomas explained in the case where there are developed yards, the Council has given Administration certain discretionary adjustments they can make to better match the contours and slopes of the yards. He referred to the Wake Forest Road project noting the saving of many trees on Wake Forest Road were done through the cooperation of the property owners. He indicated no extensive field work has been done on this side of Dixie Trail to this point. He indicated he had received a letter from Mrs. Kellison who was not able to attend this hearing noting she is not opposed to the sidewalks but questioned the estimated cost for the west side as opposed to the east side. He explained Administration has done estimated cost for both sides. He noted the west side, without retaining walls or anything unusual, would total $25,000± and the east side would total $22,000±.

Mayor Upchurch declared the hearing open.

Robert Kruger, 1224 Dixie Trail, questioned if the City is going to have enough space where the branch comes underneath the street without having to install a bridge. Mr. Thomas indicated he felt this would be possible without a bridge but in cases where it is close and creates safety problems, the City has installed chain link fences on the drop-off side of the sidewalk and extended this area sufficiently so pedestrian traffic is protected. Mr. Kruger questioned how does a sidewalk like this affect the houses and yards below the street level noting his lot is below the street level and falls off rapidly and expressed concerns relating to wash out if fill is required. Mr. Thomas explained dirt is brought in and packed in such cases. In regard to wash out problems, he indicated that the City has had no big problems with this in the past and the contractor is responsible for one year after acceptance of the job by the City for any reseeding, etc., that should be done. Mr. Kruger indicated in reading past minutes of this item, one of the reasons for going to the east side with the sidewalks was trying to save trees and questioned if there would be trees lost in the 1300 block of Dixie Trail on the east side. Mr. Thomas indicated there would be some trees lost and when Administration did the field analysis work on the west side, every tree was plotted. He indicated on the east side, Administration has more than sufficient right-of-way for most of the distance and in many cases we could go around the trees and could roll over root systems. Mr. Kruger indicated there are quite a few trees, however, all the emphasis in the past has been the trees further south and felt this 1300 block would take a beating if sidewalks are installed on the east side. Mr. Thomas indicated the City has in the past and will continue to work with property owners to save trees and in some cases it may mean the property owners will have to grant the City an easement to encroach on their property.

Nancy Paar, 1401 Dixie Trail was present requesting approval of the sidewalk installation. She noted she attends the church at the intersection of Wade Avenue and Dixie Trail and she has to drive to church as there is no way to walk without going into the street which is dangerous. She noted the other property owners on Dixie Trail have paid for sidewalks and there is a lot of pedestrian traffic in this area. She indicated there is a bus route down Dixie Trail and felt more people would use the bus if they could get to the area safely.

Kathy B. Pounds, 3026 Grant Avenue, indicated over the past years, there have been ongoing conflicts between the Council and the property owners. She noted she was curious to know why the City continues the harrassment of their neighborhood. She questioned if the City has done a study to see if pedestrian traffic justifies this sidewalk of if there is any pedestrian traffic at all. She noted there are no shopping centers or schools and the closest ones are over a mile away. She indicated there are no CAT routes on this section. She noted she has lived here three years and noted she rarely has seen anyone walking. She felt this project would be very costly due to the sloping problem and the grading and other problems would require destruction of vegetation. In regard to her property, she indicated she would lose an Azalea bed, a Star Magnolia and two cascading apple trees. She challenged the

City to show a need for sidewalks in this area and the justification of the excess cost and degradation of a decade old landscape for sidewalks with no proven use. She reiterated she did not think this area of Dixie Trail warrants sidewalks.

Becky Dillon, 1308 Dixie Trail, indicated she lives on the east side of Dixie Trail and has been living in this location since May, 1951. She noted at that time, most of the houses on Dixie Trail were not there and it was a dirt street. She indicated when the road was widened the first time, she could remember a major portion of the widening came off the east side and years later the City widened the road again and at that time, it became obvious that the majority of the widening would come off the east side again. She indicated at that time, they were told this was necessary to straighten out the curve at the creek which, in her opinion, made no sense. She indicated the only thing to straighten out this curb would be to shave off the protruding portion of the Ferguson property. She noted it was not until the sidewalks came up the first time that she learned the real reason. She indicated her yard has been sacrificed twice for the two maple trees on the Ferguson property. She indicated this time the City Engineering Department has done quite a bit of work to determine sidewalks should go on the west side. She indicated the residents had a meeting to that effect and then after some of the residents on the west side complained, all of these figures went out the window and the proposal is now for the sidewalks to be placed on the east side even if it will not link up with the sidewalks on the west side. She indicated the City is, again, asking her to sacrifice a large portion of her yard to strangers and for the third time, she would have to pay for it. She indicated she has been "right-of-wayed to death". She felt if the City puts sidewalks on her side of the street, the City should pay the money and not charge her for it.

Mrs. Block indicated the City already has sufficient right-of-way on the east side of Dixie Trail for these sidewalks.

Helen Blake, 1300 Dixie Trail, indicated she has lived here since 1949 and she also lives on the east side. She indicated her side of the street is the one that has been taken several times and felt the Ferguson's have always gotten what they wanted and felt now is the time for some of the people on the east side to get what they want rather than letting the sidewalks be installed on their side of the street.

Ms. Cates indicated she has checked with Mr. Thomas about whether an equal amount of land has been taken from the west side and learned that the City has taken off both sides in an equal amount in the past.

Chief Engineer Thomas noted the City did not take any right-of-way in the past and when this land was subdivided years ago, a 70-foot right-of-way was provided all the way through this area which is still existing. He indicated the street may have been moved from the center of the 70 feet in one direction or another but the only place the City purchased right-of-way was at Hillsborough Street to Wade Avenue when it was widened. He reiterated this right-of-way was dedicated by the original developer. Ms. Cates indicated the City has been operating within the 70-foot right-of-way currently owned by the City.

William Bingham, Leonard Street, indicated he was present to speak in favor of the sidewalks in general. He noted it is clear to him that sidewalks are terribly important and these are the only two blocks from Hillsborough Street to Lake Boone Trail that have no sidewalks. He noted the fact there is not much pedestrian traffic is probably due mainly to the fact that it is extremely dangerous for pedestrians to use that portion of the street as you have to walk out in the street. He felt it is the proper thing for the City of Raleigh to install these sidewalks. In regard to the issue of east side versus the west side, he indicated this is less important to him although it would seem since Hymettus Woods is on the west side, that we could serve Hymettus Woods better by installing these sidewalks on that side and this would also be on the same side where the bus stop is located south of Wade. He indicated the church has a park-and-ride lot for the CAT system and it seems these sidewalks would increase the use of this facility. He indicated it seems as a citizen who does not live on this section that he would be served as much by the sidewalk as the people living there and possibly more. He stated he would be pleased for his tax dollars to pay for that sidewalk and indicated it would be great if the property owners did not have to pay anything. He indicated that sidewalk becomes a part of the City transportation system and many people would walk to the church, etc.

John G. Scott, 918 Dixie Trail, indicated he also lives on the east side of Dixie Trail. He indicated he would not argue if sidewalks are needed noting that issue may be debatable and indicated he had no concrete facts to support one position or the other. He indicated the City, however, does believe the sidewalk is needed and reiterated he is not opposed to sidewalks. He indicated he objects to the manner in which the sidewalks will be paid for and felt the adjoining property owners are being required to pay an unfair and disproportionate part of the cost. Mr. Scott indicated the City may lawfully charge this assessment but the City does not have to charge this assessment and the City may choose another way to pay for these improvements. He indicated the abutting property owners should pay no more than any other property owner. He indicated there are several assumptions on the part of those who drafted the enabling legislation that may be false, arbitrary or discriminatory. He indicated if that is the case, the Constitution consideration may be involved. He indicated it also assumed that this improves property and it preserves the value or adds to the value. He indicated, if so, the added value will be taxable and payable

in the form of property taxes and the assessment for the sidewalk is an extra tax. He questioned how this could be justified. He indicated in some instances, sidewalks may derogate the existing landscape. He stated this improvement is based on the assumption the property owner will enjoy more private benefit than the public in general. He indicated it is more likely that sidewalks will be used by the people in the entire neighborhood than that particular property owner and he could not believe anyone can prove the City is giving him a special benefit to which he should pay equally. He questioned if it would not be more equitable to pay for all sidewalks out of the General Revenue so all taxpayers would share in this cost. He indicated he has heard the arguments that this is the way the City has always done this and felt the City may always have been doing it in error.

Arthur Eckels, 1417 Dellwood Drive, indicated there is a need for the sidewalks and indicated he would hope that we do not get caught in the argument on which side. He felt there is a possibility the Council may want to be guided by the Code noting the Code indicates sidewalks should be on both sides. He indicated he has read in the newspaper that the City is planning to put sidewalks on the west side fronting Hymettus Woods without charge to the property owners. He indicated Hymettus Development is bereft of sidewalks just behind Hymettus Woods. He indicated the entire City Code relating to sidewalks should be handled noting there is no particular department that takes responsibilities for sidewalks and sidewalks should be made a high priority. He indicated things that used to be done are not done now noting it used to be the City would grade back the entire right-of-way at least 10 feet back from the curb and even if sidewalks were not put in then, it would not be a major operation to put them in later. He appealed to the Council to review the Sidewalk Ordinance and the Code to improve on this and asked that the Council look at Hymettus Subdivision as there is a need for sidewalks to serve that community.

Mrs. Block indicated Hymettus Subdivision is putting in sidewalks. Mr. Eckels indicated Mrs. Block's letter to him relating to his item stated "my impression is the developer will be putting a sidewalk along his property on Wade Avenue." Mr. Eckels indicated Administration says they will not be installing the sidewalks. Mrs. Block indicated she would check on this as her original information was from Administration. Mr. Eckels indicated he is talking about the sidewalks serving the internal streets.

W. R. Pollard, 1326 Dixie Trail, indicated he has lived in this location 16 years and explained he has a room on the end of his house that is glass on three sides. He noted while sitting in this room, he sees many people walking down Dixie Trail and would like to see the sidewalks on either side and did not care which side.

Mayor Upchurch closed the hearing.

Ms. Cates questioned the Engineer relating to retaining walls noting one of the reasons the Engineer changed his recommendation from the west side to the east side is it would be much more costly to put the sidewalks on the west side. Ms. Cates questioned if retaining walls would be necessary on the east side. Chief Engineer Thomas indicated on the west side retaining walls would be needed as there are severe grade problems due to slopes. He indicated on the east side, the area is fairly flat and would not require walls. He indicated the shoulders are not graded full width as the street was done in 1965 or 1966 and at that time, the City did not require grading of the full right-of-way. He noted there would be no retaining walls required along the east side and with the latitude the Council has given Administration in working on established yards, many problems could be accommodated. He indicated there would be some grading and sloping necessary but the sidewalks would be graded and sloped so water would all drain toward the street and not toward the property and the shoulders would be seeded and mulched. Mr. Thomas indicated there would probably be a fence on either side of the street at the stream and everything possible would be done for safety.

Mrs. Block indicated the City has approved sidewalks on the west side at City expense along the Hymettus Woods property. She felt people will need to go around to the Wade Avenue side and these would not be assessed. She indicated she had listened to Mr. Scott's comments. This should be assessed to the general taxpayer noting possibly it should but it is a long standing policy to assess the property owners and the people living to the north and south have paid their share and yet they walk in the street on this one block. She noted the sidewalk money the City has is almost gone and possibly could be gone at this point. She indicated there may be a change in the policy sometime in the future but as of now, this is the way the law reads. She emphasized this particular area, in her opinion, is dangerous and felt that more people would walk if the sidewalks were available.

Mrs. Block moved that the Council adopt a resolution directing the installation of sidewalks on the east side of Dixie Trail. She indicated this is the most logical and cheapest side and the City will be installing the sidewalks at no cost on the west side.

Discussion followed regarding the cost for the sidewalk installation along the Hymettus Woods property on the west side with Mr. Thomas indicating the approximate cost is $7,400.

Following discussion, the motion made by Mrs. Block was seconded by Mrs. Cates with a roll call vote resulting in members voting as follows: Ayes - Ms. Babb, Ms. Block, Reverend Calloway, Ms. Cates, Mr. Keller and Mayor Upchurch; Noes - Mr. Walters. The Mayor ruled the motion adopted

RESOLUTION NO. (1984) 670

A RESOLUTION DIRECTING THAT SIDEWALK IMPROVEMENTS BE MADE AND THE COST THEREOF ASSESSED

WHEREAS, by virtue of Section 6.44 of the Raleigh City Charter and Article 10 of Chapter 160A of the General Statutes of North Carolina, as amended, the City Council of the City of Raleigh is authorized to direct that improvements be made and the costs thereof assessed against abutting property assessable therefor; and

WHEREAS, a preliminary resolution has been adopted by the City Council and a public hearing thereon duly held;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following improvements be made and the costs thereof assessed against the abutting property assessable therefor pursuant to Section 6.44 of the Raleigh City Charter and Article 10 of Chapter 160A of the General Statutes of North Carolina:

Installation of sidewalks on the east side of Dixie Trail from Wade Avenue to Churchill Road

Section 2. That the improvements shall be of concrete and shall be made in conformity with rules, regulations and specifications of the City of Raleigh.

Section 3. When a sidewalk is constructed on only one side of the street, the entire cost thereof shall be assessed against the property abutting on both sides of the street, unless there already exists a sidewalk, on the other side of the street, the total cost of which was assessed against the abutting property.

Section 4. That the terms and manner of payment of the assessments herein provided for shall be as follows: That said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten equal annual installments, such installments to bear interest at the rate of 6% per annum from the date of confirmation of the assessment roll, payable annually on the unpaid balance of the assessment.

Adopted: 12/4/84

ADJOURNMENT

There being no further business, the meeting adjourned at 8:15 p.m.

Brenda Anderson
Deputy City Clerk

lm/CC6/1